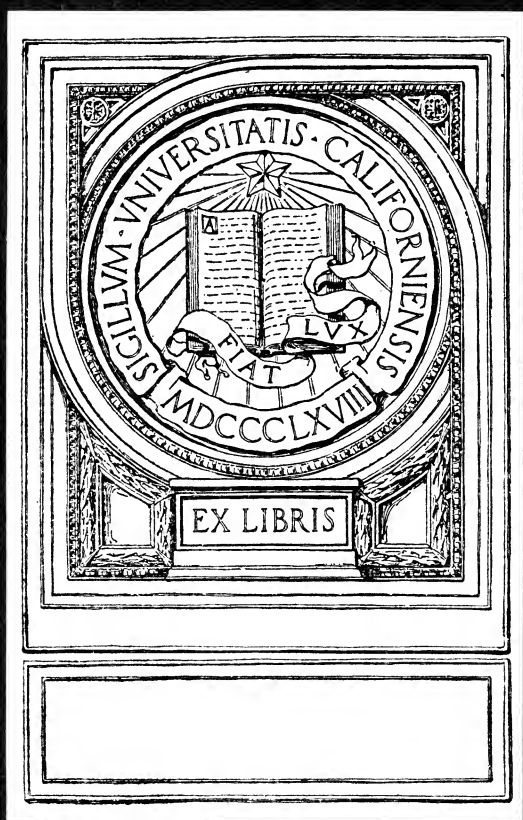


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# OUR PRISONS

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BY

ARTHUR PATERSON

AUTHOR OF

'THE METROPOLITAN POLICE,' 'JOHN GLYNN,' ETC.

LONDON

HUGH REES, LTD.

119, PALL MALL, S.W.

1911

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## PREFACE

THE contents of this volume were published in the form of articles to the *Times* in June, 1910, and I have to thank the proprietors of that paper for their courtesy in allowing me to reprint them.

These sketches of prison life and administrations have been taken from personal observation on the spot, and they see the light again because it is thought that the public outside the sixteen-foot wall, in spite of books that have been written by writers with distinguished names and undoubted experience—inside—is still insufficiently acquainted with all that happens in our prisons, not only to prisoners, but to their officers, from the Commissioners toiling at Whitehall to the warders at the gaols.

No theories for comprehensive prison reforms are advanced in these pages. The volume is a plain narration of facts given by one who can claim the privilege, to a somewhat exceptional degree, of having possessed the friendship of criminals both in this and other countries, and who has also had the opportunity of learning a good deal about those who spend their lives in disciplining and caring for these criminals in prison.

ARTHUR PATERSON.

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# OUR PRISONS

## CHAPTER I

### THE MEN WHO ARE RESPONSIBLE

IT is a mere commonplace to say that the efficiency of our prison system is a matter of national importance; but, for all that, it needs saying. Though society is beginning to feel a real sense of responsibility toward those members of the community who have not had a fair chance in life, and though it is even able to grasp the fact that the right treatment of crime in prison is fruitful of good results only if followed up outside the gaol, it is extraordinarily ignorant of what is actually going on in the prison world.

How many well-educated people, actively interested, professionally and otherwise, in the social improvement of persons known to the police—not to mention the ordinary public—could undergo with credit an examination, say, from the Secretary to the Prison Commission, upon the routine of a warder's day's work in a local prison, the official duties of a governor or an inspector of prisons, of the medical officer of a gaol, or even of a chaplain under up-to-date conditions? While as to diet, punishments for misconduct, and rewards for diligence and good behaviour, and the life generally of the various classes of prisoners—they are as unfamiliar to most people as the domestic customs and tribal laws of the native races in Central Africa.

An attempt will be made in this, and in succeeding chapters, to set forth the full circumstances of life and administration in our prisons.

The first subject claiming attention is the central authority—the Prison Commission at Whitehall.

The Commission came into existence through the passing of the Prisons Bill of 1877. Up to that time, though an attempt had been previously made to deal with the matter by an Act in 1865, it had largely failed, and the prisons of this country were separately governed by local authorities. In 1876 there were 113 of these places, under the administration of some 2,000 Justices of the Peace. There was no

common standard of administration among the multitude of authorities. Each prison had its own particular way of dieting, punishing, and employing its inmates, and its own idea of the amount of space and of ventilation required by a man doing time. The result was chaos of a scandalous description. Though many honourable exceptions existed, certain prisons being managed well and humanely even according to modern ideas, the majority were in a bad way. Some gave prisoners too much to eat, others too little. Some worked them unmercifully at nothing but tread-wheel and oakum-picking. In another prison a prisoner was known to remain in bed fifteen hours at a stretch. In certain places benevolent cranks reigned supreme: and a delightful account is given by Sir Edmund Du Cane in his book 'Punishment and Prevention of Crime' of a gaol where the prisoners were not allowed to do anything but read, though as a privilege instead of learning lessons all day they were allowed to pick a little oakum. Hard bodily labour was forbidden in this prison. The Bible was the principal lesson-book, and the prisoners were made to learn off by heart large portions of the Testament. A beautiful story is quoted of a felon who upon his release at the expiration of his sentence was said to have promptly committed another crime—sheep-stealing—so that he might return to prison. He had reached Ephesians, and wanted to finish the Testament.

The comment of a Select Committee of the House of Commons on the state of things generally was that 'several prisons are in a very unsatisfactory condition, and proper punishment, separation, or reformation in them is impossible.' The remedy for this resolved upon by Parliament was the transference of all control over prisons to a central authority. The Prisons Bill of 1877 enacted that the whole of the prisons in England were to be handed over to the Home Secretary and a body of Commissioners appointed by Royal Warrant.

The change had to be made in the face of bitter opposition, but the results as a whole have fully justified the Act. The Commissioners appointed were first-rate administrators, and Mr. Asquith's Departmental Committee of 1894, presided over by Mr. Herbert Gladstone, which made searching inquiries into the results of the Act of 1877, reported that 'the centralization of authority has become a complete success in the direction of uniformity, discipline, and economy.'

Prison administration, however, is a very complicated,

many-sided business. Its success depends not only, or even chiefly, upon 'uniformity, discipline, and economy'—though these things must be at the root of it all. The main factors in life within prison walls, if the effect of that life upon those committed to it is to be for good and not for evil, must be an atmosphere and an influence which make all prisoners feel crime and misbehaviour to be unprofitable, unworthy, and a mistake, and honesty of life, uprightness, and a good reputation to be the better part and the course that pays not only for the time being, but all through life.

In the eighties and up to the time when the report of the Departmental Committee of 1894 was published, there is strong evidence that, great as were the achievements of the Commission in the direction of strictly administrative reforms, the men in power did not grasp the possibility that such a thing as enthusiasm or inspiration was desirable in prison management except in the direction of good sanitation and construction and the physical well-being of prisoners, combined with exact obedience to orders and discipline. Justice according to the law every man and woman, was to receive, no matter what crime he or she had committed. But that anything beyond this justice was necessary, or even advisable, hardly entered the heads of the authorities of that day. This was pointed out in the report of the Departmental Committee of 1894 with great frankness; and a series of far-reaching recommendations were made in the direction of a different procedure and principle, both in system and in work.

That was seventeen years ago. The men who were in office in the eighties have now retired. The present members of the Commission have been appointed since 1894. It will be interesting to consider the reputation they bear to-day.

If the truth must be told, the impression that appears to exist in the minds of most people interested in the regeneration of our criminal classes is that, while individually and as private persons the members of the present Prison Commission may be men of kind heart and excellent intention, officially they are hide-bound autocrats, looking upon red tape as an honourable badge of office, and believing that the perfection of administrative efficiency is to be achieved by exacting from their officers clockwork regularity in performance of duty, and a discipline among prisoners into which no human feeling or sentiment must be allowed to intrude.

The Prison Commissioners are wedded, it is said, to the virtues of mere punishment as a reformatory influence, and

so far as they are concerned punishment—punishment and nothing but punishment—shall be the lot of all unfortunates sent to gaol. It is admitted indeed by some critics that the establishment of the ‘Borstal Institutions,’ and the efforts made to reclaim and reform juvenile-adult offenders in ways other than by prison discipline, are signs of grace; but even here the belief prevails that these reforms are due to pressure of public opinion alone.

It may be said at once that this popular impression of the Prison Commission is entirely, even ludicrously, devoid of foundation in fact. The investigations made by the writer have been searching and extensive. It was necessary, in order to ascertain the full facts of the case, to request permission from the authorities to see and to know all that goes on. That permission was readily given. All information has been supplied most willingly. It has been possible to unlock all doors and to peep into every secret of the prison houses. As a result one fact has been proved clearly and beyond dispute. No body governing a public service has less intention of being fettered by red tape than the Prison Commission. The men who compose it are not only practical administrators, with far too much personal dignity to care a farthing for mere authority or the trappings of official etiquette, but they are reformers of the keenest and most intrepid kind.

The record of progress of the Department for the last seventeen years shows this. In every direction the traditional usage of the past has been broken remorselessly where occasion required it; and all that has been done, including the great reforms in the treatment of the juvenile-adult prisoners at Borstal and elsewhere, has been directly initiated by the Commissioners themselves, and in no single instance forced upon them by opinion and pressure from without.

But the most impressive and significant feature of the Department as it is to-day lies not in what it has accomplished, but in what it would do, if it could, and, as opportunity offers, may do in due time. The men who direct the Commission are instinct with life and energy. They have done much, but they show you plainly that they look upon their progress as simply a foundation on which to build more and more. If their wishes and intentions were to be published, which for obvious reasons they will not be, proof could be given that no reformers outside the Home Office have more plans in their heads for improving prison administration in so far as that is possible, and all services connected therewith, than the officials within the Department.

In saying this there is no intention of making out the Commissioners to be other than men as liable to err as the rest of us. They are not above class prejudice; they have, in common with their staff, leanings in the direction of there being nothing like leather. They also think, and not without justice, that, having spent many years studying and working at prison administration from every point of view, they are rather better judges of what can be done and should be done than enthusiastic idealists who have not had any administrative experience at all. Moreover, they are strictly practical, and see much more plainly than other reformers the supreme difficulties which the very best reformatory system must meet with from the qualities and nature of the ordinary criminal—whether that nature is the result of heredity, or a feeble brain, or downright ‘cussedness.’

There is a potent personality among the members of the Commission. In a hundred ways it turns up in far-away prisons and among all sorts and conditions of officials. In our gaols now, as a rule, there is sincerity and often kindly tolerance of small peccadilloes, and the desire to help a prisoner. Mistakes are made, of course, and sometimes grave ones. The most careful training and probation does not turn prison officials into wingless angels. So much is required of them in control of temper, in tact, shrewdness, forbearance, and common sense, that it is not possible that they should always be blameless. The life of a prison officer is as hard and wearing an existence as may well be conceived. Then it is not possible for the Commission to guarantee that the governor, or the doctor, or the chaplain shall always be just the right man in the right place. Last of all, the difficulties and complications of the organization of the prison world are endless, as will presently appear. It is not, therefore, laid down here that prison administration is perfect, or ever will be, or that our prison system or its directorate is free from weakness. But it is not in the least like what its critics believe it to be. It is not by intention harsh, cold, or unsympathetic. In spite of mistakes and a system still far from perfect, and the inevitable difficulty on the part of officers to live up to all that is required of them, the heart of the service is in the right place. It is a brave and a hopeful service, a service full of faith, energy, and charity; the men at the head of it love their work, and are determined to spare no effort to make it, so far as they are able, all that it ought to be.

## CHAPTER II

## THE ORDINARY PRISONER

ORDINARY prisoners, or persons sentenced to imprisonment in the third division for not more than two years, outnumber all other classes put together; and the problem they present is, broadly speaking, the problem of prison treatment as a whole.

It is a dreary and most difficult problem; and though the Prison Commissioners and their officers of every degree have given many years of strenuous effort and thought to the subject, it cannot be said that they have succeeded in finding a solution satisfactory either to themselves or to the public. Nevertheless, what strikes an observer most forcibly is the energy and enterprise with which the problem has been approached and the progress that has been made of late years in dealing scientifically with it. Twenty years ago prison life of all kinds was a deadly level of mechanical routine, which benumbed or tortured the new offender, and had no effect whatever, in the main, upon the old hand. A low diet, hard discipline, and dull, unintelligent work—these were the characteristic features of a prisoner's life in those days. He has a very different time of it now. The diet is sufficient and of good quality; at the same time it is not 'tasty' and is not therefore beloved by the majority of criminals. There are three degrees. 'A. diet,' the first and the worst, is given for the first week—breakfast, bread and a pint of gruel; dinner, bread and porridge, or bread and suet pudding, or bread and potatoes; supper, bread and gruel. After the first week B. diet is given. This includes bread and porridge at breakfast and supper, but adds meat or meaty soup, or bacon and beans to the midday meal. On this the prisoner lives for four months. Beyond that limit and for the rest of his sentence he has C. diet, which still further increases the allowances of meat and potatoes at dinner, and provides him with cocoa in lieu of porridge at night. Prisoners are weighed periodically, and if they lose flesh or strength receive special diet under medical orders.

The discipline of a prison still is, and must always be, strict. It forms, in these days, almost the only really 'deterrent' feature to those who have ceased to care for the disgrace of committal to gaol. But year by year its sternness grows less. The old rule that prisoners must not converse still holds, but they are now allowed to say a word to one another now and then. No warder of the new school

addresses his charges in the tone which may still be heard sometimes from men of the older time. He must be firm always, but as he requires civility, so he must exercise it. Obedience from a prisoner, and industry and attention to all rules and good behaviour, are encouraged now by a system of 'marks' and 'stages,' by which a prisoner who tries to do well receives reward in various forms. In other words, incitement to well-doing, rather than punishment for ill-doing, has become the dominant note in prison management. Nor has this system reached its fullest development even yet. Among juvenile-adults—*i.e.*, lads between sixteen and twenty-one years old—rewards for good conduct have been carried farther than anything previously known. If the departure from rule and tradition proves really successful in their case, something will be done in the same direction for the men and women.

But all such changes must develop very slowly. The most dangerous enemies to true prison reform are those excellent persons who persist in looking upon a criminal as a mere victim of circumstances—a sort of lost dog or cat, only requiring kindness and abundance of sympathy to become a sleek and well-conditioned member of society. The humanitarian instinct has become a 'cult' in these days, and while, like all instincts, it should receive attention and even expression, it requires controlling most carefully in its actions concerning persons who have committed crime.

What is the attitude of the ordinary prisoner? In the first place, he is perfectly well aware that he is not in gaol from misfortune, but from his own fault. He has hurt somebody. He has behaved like a brute, or has done a mean or dishonest act, or, at the least, deliberately infringed a law framed, as he knows, for the protection of society. It is obvious, therefore, that for the sake of justice, for the protection of the person, or persons, he has wronged, and, not least, for his own sake as a creature with a soul capable of better things, he must receive punishment. He must, while in prison, be under some disability in comparison to his life outside. He must, in short, pay a penalty.

There is another point. The large majority of all prisoners only serve short sentences. Out of 205,681 persons committed to prison in 1908-9 (exclusive of convicts), 93 per cent. of the men and 97 per cent. of the women were sentenced to three months or less, 62 per cent. of the men and 64 per cent. of the women to two weeks or less. It is essential, therefore, if prison is not to be a pleasant resting-place to the majority, that all the worst side of the life

should be presented at the beginning. This acts in two ways. The necessary shock is given to the first offender, who must at any cost be made to feel that there is hardness in prison life. On the other hand, the danger of hardening him by too much misery and discomfort is avoided by a gradual relaxation of the worst features of confinement as his sentence lengthens and a corresponding increase in the encouragements to him to show that he can be industrious and patient, and overcome his weakness. Thus the worst type of ordinary prisoner, the man sentenced to hard labour, has to wrestle for twenty-eight days with coal-sack making, an occupation painful to the fingers, or oakum-picking, the most uninteresting of occupations, or stone-breaking, or wood-chopping, which is trying in many ways, particularly to the small of the back. This work a prisoner must do either alone in his cell or in a cubicle outside where he can see no one. He hates that. During the first fortnight he has to sleep on bare boards, though allowed covering, and for the first week receives the worst diet allowed in prison.

A prisoner without 'hard labour' also works during his first month alone, but at 'second-class' work—tailoring, glove-making, mat-making, or any other occupation which keeps him well occupied without causing any particular physical strain.

After the twenty-eight days are past the ordinary prisoner emerges from his solitude and works all day in association with others in a shop at blacksmithing, carpentering, mat-making, brush-making, book-binding, boot-making, or mail-bag making. In some cases, he goes outside and delves in the garden, or is engaged in building operations. In any case, he works at a trade, in which, if he stays in some time, he can become proficient. He is with his fellows all day, to whom he may speak on the work. The shops are mostly large, well lighted and well aired, and in winter well warmed. In each there is an instructor as well as the warder or warders. The instructor assists and teaches while the warders stand like watchful storks, vigilantly observant of loitering, malingering, or breaking of rules. They must have all their wits about them.

It is necessary here to correct with all possible emphasis a delusion dear to very many people, not excepting members of the magistracy and even Judges of the superior Courts. As the following true story will show. A young foreigner in England anxious for information asked a well-known light of the English Bar what the sentence of 'two years' hard labour' meant. This great authority replied with unction



that it was worse than a longer term of penal servitude, because the prisoner was kept at stone-breaking, or the like, for the whole term! This great authority totally misled the inquiring foreigner. No prisoner performs 'hard labour'—*i.e.* stone-breaking, etc.—for more than twenty-eight days. After that period he joins the other prisoners in the shops, and works at a trade, according to his strength, former experience, or capability, for the remainder of his sentence. Why is the term 'two years' hard labour,' it will be asked, still extant? The Courts of Justice must supply the answer.

The day of a prisoner begins at 5.30 a.m. He then washes, dresses, and cleans his cell. At 6 his warder examines the cell and notes down, if the prisoner wishes it, a request to see the governor or any other superior officer of the prison. Prisoners can see the governor, medical officer, chaplain, a member of the visiting committee—an independent committee of Justices of the Peace—and an inspector of prisons from the Home Office, or send in a written application or complaint direct to the Prison Commission at the Home Office. It will be found that they make pretty free use of these privileges, and have no hesitation in complaining of any one, if aggrieved, not excepting the Home Secretary himself through members of the House of Commons. At 6.10 a.m. work begins and goes on till 7.10. This is breakfast time. At 8 bell rings for chapel. Prisoners march there, returning at 8.30. Work begins again at 8.45 and goes on till 12 noon. Dinner is then served. Work starts for the afternoon at 1.30, and ends at 5 p.m. Supper comes at 5.30, and after that the prisoner's time is his own, to read his library book—he gets one each week from a wide choice of light literature when he has earned a sufficient number of good conduct marks—until 8.20 p.m., when lights are put out, and the whole prison turns in. Such is the life of the ordinary prisoner of to-day.

A word must be said as to classification. The law provides that any person not sentenced to penal servitude may be placed by the Court which convicts him in the first, second, or third 'division.' The ordinary prisoner belongs to the third division only. No discretion in this matter rests in the hands of the prison authorities. In order, however, that first offenders and those who have committed comparatively trivial offences may be separated from old hands, a prisoner of the former kind is placed in a class by himself called the star class, and wears a red star on his tunic. He receives the same treatment, food, and discipline, but is kept absolutely apart from men of the 'habitual' class.

It is the object of prison authorities to stir up a prisoner to concentrate his attention upon his work, and to teach him by every means in their power to become energetic and active in mind and body, as well as obedient and well-behaved. The worst feature of any kind of institutional life is the tendency of the inmates to live and think mechanically. This feature is not absent from our prisons, but the authorities fight against it. The means they take are partly by punishment for idlers and insubordination, but chiefly by offering rewards for industry and willingness. A man who will not work loses all privileges given to the rest; and if he really misbehaves and is obstinately idle he is punished by confinement in his cell, withdrawal of his mattress, and a diet of bread and water for three days at a time. A prisoner who works and behaves really well receives full marks, eight per day, and earns remission of sentence and extra gratuity at end of term. The marks are given by the warder and instructor, supervised by the chief warder and the governor. Many precautions are taken to prevent favouritism or under-marking of an unpopular prisoner by an officer. Any offence of this character would be punished by instant dismissal of the officer.

There is one other class of prisoner for whom accommodation is found in certain local prisons: this is the convict serving the first few months of his sentence of penal servitude—in solitary confinement. These men are technically known as ‘separates.’ They are divided into three grades—the first offenders, who do three months as ‘separates’; the intermediates, who have six months—these men who have been in before but are not hardened offenders; and the old hands or recidivists, who get nine months, the longest term allowed.\*

Separate confinement has been much criticized and deserves special mention. Many people think it a relic of harsh old days which should be done away with. A well-known writer stirred up much feeling in the matter not long ago by describing the condition in which he found a man who had endured such punishment. As it happened, the man had been confined for many years instead of a few months, and under conditions which do not exist in England. The conditions in this country at the present day are as follows:—A ‘separate’ occupies the same kind of cell as an ordinary prisoner. He has a mattress from the beginning to the end of his term; he also lives upon the best or C. diet. His work is selected from that already described. It must be of such a nature that it can be done

\* This is now reduced.

in a cell. It is chosen for each man according to his strength and adaptability. He has books, in common with other prisoners, and receives visits from the chaplain and prison officers. He can see the governor or members of the visiting committee. He works the same hours. The difference between his treatment and that of the rest is that he has to work during the whole time alone in his cell, and never leaves it day and night until the conclusion of his three, six, or nine months' sentence, except for an hour's exercise in the open air during the morning, and chapel, which he attends with the rest. As to visitors, the 'separate' may receive friends once during the first week of his imprisonment, but not again after that for four months, and only then if he has earned the full number of marks by industry and good conduct. There is nothing in the life that need impair health, physically or mentally. It is only dull and monotonous beyond that of the ordinary prisoner; but then the convict is not an ordinary prisoner. He is one who has committed some very serious offence. I saw and talked with a batch of men whose time was just up, and who were off to Dartmoor the following day. They were pasty faced from their confinement; but they were healthy, with excellent appetites, and were looking keenly forward to the fresh air of the moors and the life with others.

Care is taken, as far as may be, to prevent morbid brooding by separates. Their work is interesting and productive, and marks are given for it with advantages which will follow later on. The means of reading is provided to pass away leisure hours and freshen the mind. That the convict will brood and think over many things as he has not done, probably, for a long time, and as he will not, perhaps, do again under the more stirring conditions of Dartmoor or Portland is inevitable, and is even desired by those who impose the discipline. The psychology of a criminal mind has never been fully grasped yet, and probably never will be. Moreover, it differs in each individual case. But enough is known for those who have watched it carefully under various phases and conditions to say with certainty that this separate confinement period is salutary and of great importance. It is very deterrent. Criminals hate loneliness. Association in work and at other times such as exists afterwards at Dartmoor, limited, guarded, and disciplined as it is, is the very breath of life to them. The mere confinement in a cell is a real punishment to such men, accustomed as they are to activity and change. An habitual criminal, indeed, is the most restless person on

earth when he is at large. A recidivist, who openly confesses that he finds life at Dartmoor palatable if not pleasant, admits that he feels separate confinement a real hardship and discomfort. On the other hand, the first offender—the lad who in a fit of brutal fury or lust has ruined fair prospects, or the educated man who has for the first time embezzled, or forged, to supply himself with the wherewithal to bet, gamble, or worse, may find in this period of probation, when alone in his cell he sees his crime and its consequences staring him in the face, the first step toward reformation.

Prison discipline cannot be said as a whole to err on the side of overharshness. In the treatment of adult criminals of every class the limits of comfort and indulgence have been reached. It is even questionable to many capable judges whether the authorities have not gone too far. This will appear to some people a brutal thing to say, but not to those who know personally the wife-beater and the man who kicks a policeman when he is down, and the clever, unscrupulous thief or receiver of stolen goods; the trickster with women; the hooligan; the racecourse welsher, and ‘sharp.’ The same thought has struck the prisoners themselves. The following effusion is taken from many others written in the same strain; it was found on the slate which all prisoners have for writing or drawing upon, and discovered by chance. Doggerel as it is, it is worthy of note by a humanitarian public:—

‘I cannot take my walks abroad,  
I’m under lock and key,  
And much the public I applaud  
For their kind care of me.

‘Not more than others I deserve,  
In fact much less than more,  
Yet I have bread whilst others starve  
And beg from door to door.

‘The honest paupers in the street  
Half-naked I behold,  
While I am clad from head to foot,  
And covered from the cold.

‘Whilst they are fed on workhouse fare  
And grudged their scanty food,  
Three times a day my meals I get,  
Sufficient, wholesome, good.

‘Then to the British public—“Health!  
Who all our care relieves,  
And while they treat us as they do  
They’ll never want for thieves.’

## CHAPTER III

## THE CONVICT

THE convicts, or criminals sentenced to not less than three years' imprisonment termed penal servitude, do not number more than 3,000 to 4,000 all told, of which fewer than 200 are women. But they form the grimmest problem of all in prison administration. They are received by three prisons—Parkhurst, Portland, and Dartmoor. At the first only feeble-minded and criminal lunatics are kept, while Portland takes, as a rule, the milder cases and those who are specially fitted for hard physical labour. Dartmoor has the rest, including the worst and most dangerous recidivists, and murderers who have just escaped capital punishment. When visited there were 1,151 inmates there. The full complement is 1,200.

Dartmoor prison is one of the most interesting of places from an historical point of view. It was built for the reception of French and American prisoners at the beginning of last century, and was occupied by them, 5,000 strong, from 1809 to 1815. The 'Story of Dartmoor Prison' has been told most graphically by Mr. Basil Thomson, under that title, in a book (Heinemann, 3s. 6d.) that all students of prison administration on its human side should read. It purports, modestly, to be a history of a prison. It is in reality as pungent a chronicle of convict men and manners on a small scale as the Diary of the immortal Pepys.

The life at Dartmoor is as busy, varied, and well-ordered as that of a hive of bees. The hours of rising, working, and chapel and meals differ very little from those already described among 'separates' in a local prison, except that their day begins and ends half an hour earlier. But there the likeness ends. At 7.15 a.m., breakfast and chapel being over, the convicts are marched out of their cells, party by party, and, parading past the governor, or deputy-governor, are counted and then set off in columns, two by two, to their place of work, returning at 11.10, marching forth again at 1 o'clock, and returning for the night at 5; in the darkest days of winter (December) at 4.30. The greatest care is taken to keep exact count of the whereabouts of all convicts. In no circumstances, if a man escaped in the daytime, could his absence remain unnoticed for a longer period than between the hour he went out to work and the hour he should have returned. At 7.15, at 11.10, at 1 p.m., and at 5 p.m. every inmate, except those in cell-confinement for

punishment or in hospital for illness, passes before the governor in the prison yard. The warder in charge of each party gives the number of his men as he passes with them. An officer notes it, and no party is allowed to separate until the total of the numbers given has been checked with the known strength of the prison at the time. Should any discrepancy be found, the men are marched past again, and the mistake discovered and rectified.

The nature of the work performed by convicts is varied enough. Upon a given day in August last, there were 1,151 convicts at Dartmoor. After allowing for 98 men engaged in cooking, cleaning, and other domestic work in the building, and 49 in hospital, 6 under punishment, and 11 kept in cells, the remainder were working as follows: 347 in manufacturing labour in shops—in association—of which 77 were tailors, 26 twine-makers, 24 smiths and fitters, 39 shoemakers, 22 needleworkers, 40 mail-bag makers, 24 knitters, 42 carpenters, 29 basket-makers, 8 bookbinders, and 16 oakum-pickers. There were 379 in the building department as quarrymen, stone-cutters, slaters, plumbers, plasterers, painters and glaziers, excavators, carpenters, bricklayers, and general labourers. On the farm, engaged in haymaking, manuring, gardening, etc., there were 261.

The recreative and educational side of life is not neglected. Lectures of various kinds on popular subjects are delivered at regular intervals, and musical voluntaries are given on the organ. There is a choir which makes up in heartiness—to speak from experience—what it lacks in finish. The library of the prison numbers some 3,000 volumes, and among it are novels of all kinds, books of travel and adventure, the *Boy's Own Paper* and the *Strand Magazine*, and other popular periodicals bound up, which pass rapidly from cell to cell. Something like £80 per annum is spent in books. But, besides the reading time for amusement, there is a great deal of study, voluntarily entered into, of a technical kind. Trade journals on motoring, agriculture, building and architecture, cabinet making and engineering, are frequently asked for and diligently studied. Convicts, though out of the world, wish to keep up with the times—a sign that mental debility is not one of their weaknesses. In many instances they request the governor's permission for relatives or friends to send them, individually, books of this kind. This permission is granted on condition that the book in question, upon the convict's departure, shall, unless good reason can be shown, become the property of the prison and remain there.

Thus the days pass. As in the local prison, a convict can get access to the governor daily, and to an inspector when on his rounds, the visiting committee, and the Commissioners at the Home Office. It is a rule at Dartmoor that the governor is in attendance every day at 11 o'clock to hear any complaints, petitions, or remarks prisoners may desire to address to him. One day sixteen such interviews were witnessed. All were friendly in character and very matter-of-fact. The attitude of the governor to the men was courteous, pleasant, and considerate; that of the men towards him blunt and straightspoken. They plainly stood in no overpowering awe of their master. Those who were pleased with his replies retired with cheerful thanks and often a nod and friendly grin. Those who were not pleased assumed the injured countenances of schoolboys whose excuses have been disallowed. The majority of the requests were for removals to another working party. These applications are worth noting. They are always granted where it is believed that the applicant has a genuine and justifiable reason for disliking the work he has been put to or the companions it throws him among. Thus, though selection in the first instance for farm work, building or quarry, or the workshop is usually made from a prisoner's former industrial position rather than from any particular social standing he may have held, the men as time goes on fall naturally and by their own initiative into the company which suits them best.

A word may be said here in regard to the regulations as to silence when at work. By rule, as in local prisons, no convicts are allowed to talk until they have served some years, and then only on Sundays. In practice the rule is not strictly enforced. Of course, in any case, the men are allowed to speak about their work. But even a word or two of a more general kind is not reported against a man by the warder in charge unless he talks habitually after a caution.

There remain, last of all, the punishments given for misconduct, insubordination, or serious offence in prison. These are—first, bread and water diet and confinement in cell during the day when the others are at work. This punishment may not be given for more than three days consecutively. If it is to run for a fortnight, three clear days of ordinary diet must intervene between every three days of bread and water only. Secondly, there is stone-breaking in a separate compartment fitted up in one of the yards for the purpose, with a hammer chained to the wall

so that the delinquent cannot strike the warder with it. This is given to violent or irritable men who attack others. Thirdly, loss of marks for good conduct, which means loss of gratuity at conclusion of sentence, and loss of remission of sentence. This remission is given in definite proportions for every year a man serves in a proper manner. Lastly, there is punishment for attempted escape, the wearing of chains and irons (weighing altogether about four pounds) and yellow stripes, all of which are hated because of their conspicuousness, and the punishment for brutal assault of a warder or other officer, consisting of so many strokes with the 'cat'—up to eighteen for a really serious case. This punishment cannot be given without sanction from the medical officer, the Prison Commissioners, and the Home Secretary himself.

Many and curious are the characteristics of convicts. Though it must be admitted that reformation is almost unknown except in first offenders, or the 'juvenile-adults,' who will be dealt with elsewhere; though there is ever present in their ranks the instinctive tendency of a wild beast to violence and a bloodthirsty impulse to smash an officer with little or no provocation, yet they are human beings still, capable of many a kindly thought and even affection, and, moreover, with a sense of honour of their own. One of their favourite occupations is to keep tame field mice; and if humanitarian persons who object to governors and warders of prisons on principle can believe it, this atrocity against discipline is allowed, or at least deliberately winked at by the authorities. It is not an unalloyed advantage, for the men get very jealous over their mice, steal them from one another, and fight for them, and have to be punished. But for the sake of the comfort and pleasure given by the keeping of these pets and its humanizing influence, it is not forbidden. In one direction official action is regularly taken concerning mice. It is a prison rule that no prisoner may take away with him on completion of sentence any article which he did not possess before going in. When the time for leaving comes, therefore, a mouse-keeper asks if he may remove his pet. The governor's reply is to produce a wooden box, suitably made for the carriage of mice, and to present it to the happy owner, thus speeding two parting guests at the same time in a manner satisfactory to every one concerned.

But many as are the little amenities of life in this hive of habitual hardened criminals, whose daily occupation in many instances has been crime of the foulest or most



desperate description, and will be again when they are free, the real atmosphere of Dartmoor, so far as the men responsible for its well-being and discipline are concerned, is that of a handful of whites on the American frontier among ten times their number of Apache Indians. 'We stand on a volcano,' an officer said to the writer in a matter-of-fact tone. 'If our convicts here had opportunity to combine and would trust one another, the place would be wrecked in an hour.'

Observation more than confirmed these words. If you watch carefully the faces, build, and demeanour of the men marching so meekly to work two by two behind their warder, or in front of the mounted Civil Guard with his rifle across his knees, you will find a grim study in human degeneracy and understand that the life of the wives of governors and warders at Dartmoor is a very anxious one. In the cunning, hard, shifty eyes there is more suppressed murder and devilment than may be seen in a year anywhere else in the world. Animal ferocity lurks in every line of the enormous jowls of these men, in their protruding sensual lips, and coarse nostrils. Their bodies and limbs are well-set and muscular. The majority of them are big burly fellows, and, most striking of all, there is in their faces a high level of intelligence. A few there are with narrow foreheads and receding chins—but they are a very small minority. The rest have every sign of fully developed brain power together with strong wills and characters. The very cheerfulness and contentment to be seen on very many faces has its depressing side. They have good food, healthy work, and no cares to speak of. They are clever of hand, nimble of wit, great readers, and competent craftsmen. Yet all that is done for them but increases the power for evil of the recidivists and old hands.

To guard and hold the convicts there are some 130 to 150 warders, 'Civil Guards,' and other officers. The warders are not armed except in emergency. They carry a truncheon loose in the hand always, with which they may defend themselves from sudden assault—a very necessary protection. The Civil Guards are armed with rifles loaded with buckshot, with which they may fire upon a convict who assaults a warder or who attempts escape. In firing they aim low so as to cripple but not to kill. It is the business of the Civil Guards to accompany each party of men, and remain at a convenient distance—on watch.

Attempts at escape are made from time to time, but always frustrated. If the men get away they are retaken.

They seldom do it by deliberate plan. In most cases it is the result of a sudden uncontrollable impulse to cut and run. One man did this though he had only six weeks to serve to finish his sentence.

The worst cases are assaults upon warders. These are generally committed by convicts in the fields with the heavy spades they have for digging. One man cut a warder down last spring with a heavy blow on the head, and then attempted to kill him as he lay on the ground. The reasons he gave were of the most trivial kind—the warder (he said) had reported him once, had refused him a pair of dry stockings at another time when his feet were wet, and denied him a drink of water just before the assault occurred. Even these accusations were proved to be false. The warder, however, was disabled for life. The convict received a heavy sentence of further penal servitude. In another instance, last year, the man admitted that he had no grudge against the warder, and said he was just in a bad temper because some other convicts had made some nasty remarks to him. It is only fair to say that both these crimes were disapproved of by the convicts as a whole.

There is, indeed, a public conscience of a sort, even at Dartmoor. It is described by Mr. Basil Thomson in his 'Story of Dartmoor Prison.' Mr. Thomson's words must be quoted as they stand. They will not lose point because their author has been himself a Governor of Dartmoor.

#### THE PUBLIC CONSCIENCE OF A CONVICT PRISON, CAST WITHOUT IRREVERENCE IN THE FORM OF COMMANDMENTS.

1. Thou shalt not curry favour, or play the 'copper.'
2. Be swift to avenge an injury, not only with the weapons God has given thee. When struck, think not of losing marks for fighting, but strike back; to turn the other cheek is to play the coward.
3. Thou shalt not take a loaf of bread from thy fellow, for this is stealing; to take from the dinner tray is no offence.
4. When tobacco has been entrusted to thee to distribute divide it equally.
5. Thou shalt not hide forbidden things in thy neighbour's cell to get him into trouble.
6. When thou hast induced a warder to favour thee thou shalt not betray him to his superiors.
7. Thou shalt not overwork thyself and so cause the standard task to be raised, neither shalt thou shirk thy work so as to throw it upon others.
8. Thou shalt be kind to animals, tender and unselfish to the sick, stoical in endurance of pain.

Well worth quoting also are Mr. Thomson's concluding words:

The code breathes a spirit of courage, and when a net has been

dragged through England with meshes so exceeding wide that none but the worst thousand have been landed in these walls, and this thousand frame such a code, who shall say that mankind can be wholly depraved?

Who shall deny, either, that the governors of convict prisoners know how to govern such men with insight, kindly humour, and, above all, sympathy?

## CHAPTER IV

### THE YOUTHFUL OFFENDER

IN the early days of prisons, until 1854, there was no systematic segregation of juvenile criminals from the rest of the prison population. Once a thief always a thief was the rough and ready creed of our forefathers, and in 1833 a boy of nine was sentenced to be hanged for stealing two-pence worth of paint. He was not hanged, as it happened, but the mere sentence is significant of how times have changed since then.

In 1854 prison reformers at last secured a change so far as children under 16 years of age were concerned. That year reformatories were established, and juveniles began to disappear from prison. But great as the reform undoubtedly proved to be, it did not go far enough to achieve the purpose for which it was conceived. All young prisoners over 16 were classed as adults. Consequently, lads and girls just entering the criminal ranks were thrown into contact with old offenders, with disastrous results.

The truth was that the high legal authorities of those days did not believe in any reformation of criminals, old or young, except through a system of stern deterrence by punishment; and those who thought differently had to content themselves with saving the children.

All this has now passed away. In 1894 Mr. Asquith's Departmental Committee on Prison Administration delivered a sweeping and unqualified denunciation of the system of subjecting youthful prisoners to the same 'rigid system of prison discipline' as those who had grown to full manhood, and recommended the creation of a special class of prisoners, to be called juvenile-adults, and to include criminals of every grade over 16 and under 21—the limit being stretched to 23 in cases of slow development—who should receive special training and separate treatment. This recommendation, as most people know, has been carried out in a very complete and thorough manner by the present Prison Commissioners.

It has taken three forms. First, the establishment of what is now known in the 'Borstal Institutions' as a penal reformatory—not a prison—to which by the Prevention of Crimes Act, 1908, lads over 16 and under 23, who have committed offences serious enough to warrant a sentence of penal servitude, may be sent and detained for not less than one year and not more than three years; secondly, the creation of special treatment of youths committed for ordinary offences, and serving their sentences in local prisons, a system known as 'modified Borstal'; and, thirdly, at Dartmoor the separation, under rules very similar to those of the Borstal Institution itself, of all convicts between these ages from other prisoners. Many of these juvenile-adults at Dartmoor have committed murder, and are under sentence of imprisonment for life.

The lives of lads in ordinary confinement and those of the convicts will be described here, the Borstal Institution being reserved for separate consideration.

The magnitude of the results of this movement, if it becomes possible for the authorities to carry it out with sufficient thoroughness, can scarcely be exaggerated. Mr. Asquith's committee proved that a very large proportion of the habitual criminals and worst recidivists at Dartmoor began their careers of crime in early youth. It may be said, in fact, that those old hands who are the despair of all Discharged Prisoners' Aid Societies, and who have no sooner served a sentence than they plunge into fresh crime and the training of those less experienced than themselves, would in time almost cease to exist were it possible to reform every prisoner who committed his first serious offence before he became a man.

First of all, however, the public must be under no illusion as to the nature of the task which prison officials and prison reformers alike have undertaken. Youths enter prison at the time of life when the hardships offered by ordinary gaol treatment are very little felt, and the joys of a criminal career outside appeal with particular force. What does a lad who has been brought up in a miserable home, sleeping on the floor, perhaps in a dirty room, sweltering in summer, shivering in winter, care for a week or two on a plank bed in the cells, followed by mattress and coverings far more comfortable than he has known since childhood? Where is the hardship in prison fare—'sufficient, wholesome, good'—to a stripling who has had to pick up his grub where he could, and who invariably prefers to spend any extra sixpence he may lay hands upon in cigarettes or music-halls rather than

on a beef-steak? Of course, porridge, potatoes, and suet pudding are dull eating after the tasty kipper and seasoned trash his poor little palate craves for; but youthful appetite after hard work and exercise soon settles that difficulty.

Confinement is horrid, and prison dress not only unbecoming, but really uncomfortable to a gentleman who wears little of anything at home, and that little mostly buttonless—but habit is second nature in the matter of clothes. Prison hours, too, are certainly cruel to the 'sport,' who thinks midnight the time when men of spirit should be most awake and morning the appropriate hour for deep slumber; but sleep comes easily at any time when we are young and there is too much to do in waking hours for drowsiness to become oppressive.

What is left? There is the irksome discipline, and the shame for the disgrace to those he loves. But our young hopeful has no wife and children who will suffer by his punishment. If he has a mother or a sister who cares, and who will be ashamed, the chances are he has already done so much to distress them that any sorrow he knows they feel now will hardly keep him awake an hour, even on a plank bed, or spoil the taste of a choice potato. While as to the discipline, he soon learns to look upon it as a necessary evil. The fact is that for the young offender who has led a hard life, and has imbibed from his surroundings and friends a callous indifference to morality, prison as it is to-day is no real deterrent to a life of crime.

The authorities, therefore, in considering the reformation of youthful offenders, have had the problem to solve of how to make prison an incentive to better things, with the knowledge that, as far as punishment goes, it must be ineffective from its lack of hardness. It was a difficult problem. The solution that has been tried, and is now beyond an experimental stage, has been to draw the attention of the lads, after a first short spell of cellular discipline, plank bed, and sparse, dull food, to something which has been hitherto, probably, quite outside the experience of most of them. They have work which they can see will make them fit, industrially, to take a better position when they leave prison, if they put their shoulders to the wheel, than when they went in. They have next the prospect of earning by good conduct a substantial gratuity and other privileges which appeal strongly to the youthful mind. Lastly, they have friends, when they leave prison, who take them firmly by the hand. In short, the system now established in local prisons for treatment of juvenile-adults is based upon the

principle of first of all awakening interest and ambition, of educating those who are dull and backward mentally, and strengthening the physique of all by carefully regulated exercises and drill, and finally of providing chances for all upon discharge.

There is no oakum-picking or stone-breaking, except as punishment for misconduct, for a juvenile-adult in a local prison. He starts at once upon employment that will make him deft of hand and train his eye and brain. He goes to work with other lads at a trade which, if he chooses to persevere, he may make his own. Then he can qualify by good conduct and steady industry for such luxuries as a piece of carpet in his cell; an iron bedstead instead of the plank; the display of photographs of friends and knick-knacks sent from home upon his cell walls; and last, and most inspiring, the privilege of spending an hour daily in a recreation-room with others of his kind, and enjoying quiet games and that priceless boon in prison—conversation. These advantages cannot be obtained until the prisoner has gained substantial marks and shown himself determined to profit by the instruction and the work given for his improvement. This, at the least, will take him some months to earn at the maximum rate of eight per day. But they are worth striving for, and when once won retaining. If the lad is dull or, through playing truant in younger days, has not reached the fourth standard before leaving school, he receives from a qualified teacher a lesson for an hour daily, which is subtracted from his work hours. Lectures are also given at intervals on interesting subjects. Each day the lads are put through a course of Swedish drill and gymnastic exercises by a competent instructor, as well as the hour they exercise in the open air. The trades they are taught, as far as the time they are in confinement allows, include carpentry, building, blacksmithing, tinsmithing, baking, market-gardening, and agricultural work generally. It is not possible, of course, to teach all these trades in every prison. Cooking and baking were a speciality in one prison visited, which, combined with practical teaching in the elements of seamanship, including navigation, provide a considerable number of cooks' mates and sailors for British ships, whose crews, needless to remark, are not aware what port the handy youngsters last hailed from. In another place outdoor occupations are the rule; in another the officers pride themselves upon the skill of their 'J.-A.'s' in building and brick-laying. Everywhere it was noticeable that the attitude of the officers towards these lads was largely parental. The

only complaint made was that in the majority of instances the sentences of their pupils were too short for satisfactory results to be obtained.

It is indeed obvious that the short sentence system for youthful criminals is little less, to speak plainly, than an aid and incitement to crime. The lad who is just entering the ranks of the predatory ought not to be able to get away from his confinement under a year at least. This is gradually being recognized by the public, but the facts of the case are far from being fully understood even yet. It is training more than punishment that a juvenile-adult must receive in prison. This training can only be successful if, as well as making him a better fellow, it weans him from former company, influences, and habits. This cannot be done anywhere in less than a year. And, unless it is done, imprisonment is actively harmful to a lad. The deterrent side being almost non-existent for those prone to crime, it follows that short terms of imprisonment to them are mere irksome interludes between jobs. After one or two experiences the edge of deterrence has gone entirely.

Here then, since very large numbers of lads are sentenced for a few weeks at a time by the Courts again and again, is the weakest link in the prison chain. Until it becomes law that no youthful criminal, who in the words of the Prevention of Crimes Act, 1908, is, 'by reason of his criminal habits or tendencies, or association with persons of bad character,' a danger to himself and the community, shall be turned loose after one conviction until he can offer proofs of a better mind, so long will our slums be breeding-places for crime, and the street-corners academies for the promotion of hooliganism, theft, and unnatural offences of every description.

The prison authorities, however, can only do the best in the circumstances in which they find themselves placed, and under the short sentence system these circumstances could hardly be worse as regards juvenile-adults in local prisons. Yet something has been done, and no sooner has a lad so committed himself that he is put away for a year or more than, in the majority of cases, he returns to freedom far better equipped physically, mentally, and industrially for an honest life than he has ever been before.

The problem of the juvenile-adult who has been sentenced to penal servitude is of another kind. Here at least there is ample time for reformation. The difficulty is the toughness of the material, and the hopelessness of the previous history from a reformatory point of view.

Here are a few typical cases :—

(1) A.B.—21 years old when convicted. Sentence five years. Member of a very dangerous gang. His crime—breaking into a house and stealing plate with others. His record—ten previous convictions, the first crime committed when he was less than 12 years of age. This is a bad case, yet even after he had had seven convictions he was only sentenced to nine months' imprisonment for burglary. None of the former sentences exceeded three months each. If that lad had been detained and trained earlier for a couple of years, he would not be a convict now.

(2) C.D.—A lad of 19—sentenced to five years' penal servitude for deserting from the Army with stolen goods. No relatives. No home. Convicted before five times for theft, and firing stacks, and other wilful damage of property.

(3) E.F.—19 years old. A murderer. Killed and robbed an employer. Has a father and a fair home, but is of drunken habits, and consorts with low companions. Brutal by nature and habit. Sentenced to penal servitude for life—*i.e.*, 20 years.

(4) G.H.—A murderer also, only 18 years old. Had a good home, and very respectable parents. Before he committed his crime was honest, quiet, sober, and industrious. He killed his sweetheart by cutting her throat.

(5) J.K.—Sentenced to ten years' penal servitude for a criminal assault of a horrible character upon a woman. Has a mother alive, and a good home, but was always in the worst company. An idler and a spendthrift; character bad in every way. Had been in prison five times already. Age 20 years.

Such examples need no comment.

The treatment given to the lads is very similar to that which will be described later in the Borstal Institution. They are all at Dartmoor, working in parties quite separate from the adult convicts. Their occupations are often out of doors as well as in. One meets them everywhere, great strapping fellows, most of them bronzed by the sun, erect and muscular and of good carriage. They sing in the choir at chapel with much vigour. They can perform great feats in the gymnasium. They are in charge of the stable, and mightily proud are they of the great shire horses they lead and groom and feed—horses that do Dartmoor credit. These horses are bred on the estate, are of the best blood, and are in perfect condition and fettle, in hands which care for them lovingly though they once strangled the life out of a human being. It is therefore a fine healthy life for lads,



and as full privileges for good conduct and diligence are given—and the discipline against idling and breaking of rules is strict and severe—they are mostly well-behaved. But reformation is a slow, very uphill task. The teaching of the handicrafts is comparatively easy, for there is plenty of time for it. But the building up of character is a different matter. In so many cases there seems no foundation on which to build anything. The one chance, say those who work among them, is the constant drilling into the lads of the necessity for hard, sustained work and self-control—and at the end of the sentence to get them away, if possible, far from their old haunts, comrades, and temptations.

## CHAPTER V

### THE NEW DEPARTURE

IN the establishment of 'Borstal Institutions' at Borstal and Lincoln for lads convicted of serious offences the Commissioners have made a departure which is likely to beget consequences reaching far beyond the problem of juvenile-adults.

It is a fundamental principle of English prison administration, which, it is hoped, will never be departed from, and which is in no way contravened in a Borstal institution, that prison life must be deterrent—a punishment first of all for the crime or misdemeanour that has been committed. On the other hand, there is equal need, in the opinion of all competent authorities, for influences to be set at work within the prison walls which will, at least, provide a good foundation for reclamation and reform, and, where there is time and opportunity, go farther and send out the criminal a more honest, more industrious, and more capable man than he came in.

It is not to be denied, however, that a careful study of prison life and discipline as it is to-day, while it must impress any observer with the vast improvements which have taken place of late years, and prove beyond dispute the energy and determination of the authorities to make prison administration both humane and reformatory, also discloses the almost insuperable difficulty of infusing into ordinary prison routine any real inspiration to the average prisoner to do more than labour moderately well, behave discreetly, avoid insubordination and open violence, and endeavour to appear reverent and attentive at religious services and in the presence of the prison chaplain.

The authorities are well aware of this, and one cannot help surmising that by the creation of Borstal institutions they have deliberately broken fresh ground, and intend to make the treatment of this special class—the class that, above all others, needs spur and stimulus to well-doing—a precedent for reconstitution by degrees of prison life as a whole.

In a former chapter the ‘modified Borstal’ treatment given to all lads sent to prison over 16 years old and under 21 or 23 has been described. But, interesting and excellent as this is as a step towards humanizing prison life for young natures still capable in most cases of responding to such treatment, it is in no way to be compared as a departure from ordinary prison standards of life and discipline to Borstal itself.

The ‘Institution’—mark the name—has between 200 and 300 ‘inmates’—we are not ‘prisoners,’ if you please, at Borstal. All are ‘juvenile-adults’—*i.e.*, between 16 years and 21, rising to 23 in some cases. All are criminals in the full sense of the word—that is to say, young gentlemen who have done something for which they would have received at least twelve months’ imprisonment in an ordinary gaol before Borstal came into existence. As stated in a very excellent booklet, commended to all who need information on the subject, the 1908 Annual Report of the Borstal Association, 15, Buckingham Street, Strand:—

Until a few years ago such a boy would have been treated in prison in the same way as an old and hardened offender.

The ‘Institution,’ therefore, is not a feather-bed on which first offenders, with tender mothers able to appeal to a paternal J.P., may lie in lieu of the ‘plank’ in the local prison.

The words of the Prevention of Crimes Act, 1908, which has given Borstal a full legal *status*, are very convincing on that point.

Where a person [it runs] (not less than 16, and not more than 21 years) is convicted of an offence for which he is liable to be sentenced to penal servitude or imprisonment, and is of such a character by reason of his criminal habits or tendencies, or association with persons of bad character, that it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime, the Court may pass a sentence of detention under penal discipline in a Borstal institution for a term of not less than one year and not more than three years.

Besides the fitness from a criminal point of view of the lad for Borstal he must be medically certified to be sound in body and mind.

Thus the guests of his Majesty assembled at the 'Institution' must first have proved themselves on the way to enter a life-long career of crime; and, secondly, must be ablebodied in every sense of the word.

Arriving at Borstal the new-comer, 'lumpy, slack, sometimes defiant, and generally out of condition'—*vide* the report already quoted—and, of course, well acquainted with the inside of an ordinary local prison, where he had graduated for small offences until it has lost all terrors, finds himself in a new and curious world. There are, indeed, cells and prison walls. There are also rules, and discipline, and punishments. There are even warders and instructors who must be obeyed. And yet how different, how strange a place is this after former experiences in prison!

In prison all things go at a certain pace, and that not a very swift one. Work is there, but one need not hurry overmuch. Regular attention is required, but after a time that becomes mechanical; regular obedience must be given, but that becomes mechanical too. You are supervised by a warder at your elbow. Should he be otherwise engaged a moment—should his eyes be called in another direction—then comes a precious interval for a 'loaf,' or a thrice precious opportunity to communicate—against the rules—with a neighbour. There are certainly rewards for diligence in prison, but for the young and adventurous under a strict disciplinary system to break a rule unbeknown to a warder and to elude his eye is far more interesting than to be good in order to earn a reward. Nay, one may be bad and get good-conduct marks, too, by practice and observation. Now at Borstal everything is different. The lads actually work behind a warder's back. When the new-comer takes up his task with the due deliberation to which he has been accustomed elsewhere he finds himself out of touch with his surroundings. If he does not remedy it a warder points out the fact in a manner none the less definite because it is more good-humoured than warders' comments are apt to be elsewhere. If a pail of water is to be carried he must walk at a swinging pace and not at the old shuffle. If there is wood to saw, it must be sawn through sharply. At first the new-comer refuses to realize the inevitable. He notices that there are fewer warders than he has ever seen before. In places he can see fellow-sufferers in blue clothes—another difference—actually labouring entirely on their own, out of sight for several minutes together of any warder. It *must*, he concludes, be a place for taking things easy. He determines to watch his opportunity and do no fool-work unless driven

to it by a warder's eye. He does this manfully, but not for long. In the first place, as he is not in blue clothes there is a warder not far away, who strolls up and makes observations which are pungent and invidious. In the second place he gets no sympathy from his mates—not a bit. Wherever he turns they are briskly occupied, and he perceives in their eyes as they watch his movements a critical observance which warns him of what he may expect. And so after a time, which varies in length according to temperament and previous training, the new-comer begins to work himself, harder, more steadily, and with more concentration than he has perhaps ever worked before. Sometimes he has to be punished first. The rules of the Institution are strict, and provide three grades for Borstal lads—penal grade, ordinary, and special. The new-comer enters the ordinary grade. If he plays the fool after caution he goes into penal. In this condition he is not allowed to earn any gratuity, to correspond with friends, or to receive visits. He may have to sleep on a plank bed, and be put to stone-breaking or wood-chopping in a lonely little cubicle all day long. He soon has enough of that. At the time the writer visited Borstal no boys at all were in the penal grade. The candidates for it are said to be becoming very rare.

The youthful criminal comes to his downfall through over-energy of some kind, never through the lack of it. This fact the authorities knew. Hence in Borstal they have created the atmosphere and practice of continuous vigorous doing—which strikes a visitor the moment he enters and remains in his mind afterwards. Merely to see the lads drill is a revelation of what can be got out of material which would, for the most part, be promptly rejected, apart from actual physique, by the Army. The instructor of the gymnasium is as strict and smart as need be, and puts his pupils through as thorough a course of Swedish gymnastics as if they were sailors of the Fleet. How they run and jump and vault and swing to the word of command! A new-comer may try shirking the work for a time, but drill, never. An hour each day at least he is in perpetual motion, honest perspiration bespangling his brow, his chest expanded, his muscles braced, his nerves at full tension, his attention caught and held in a vice, and every ounce of him in play.

The hours of work and the routine of labour do not differ materially from those of ordinary prison life. The day starts with the physical drill at 6 a.m., then breakfast; the hours of work are from 7.30 a.m. to 12 noon, and 1.30 to 5.30 p.m. It is a revelation to any one accustomed to ordinary prison

visiting to see these Borstal boys. It is not only the brisk energy they put into their labours, so ruefully observed by our new-comer, that is so refreshing, nor their greater freedom of action. I saw one lad hard at it with a pick right away from all supervision, tackling his job with the trained skill and concentration of a highly paid navvy. That which makes Borstal unique in prison life is the difference in the carriage and the bearing of its inmates from prisoners living under ordinary conditions in gaol. In cannot be said that there are any angelic faces at Borstal. In contour and in feature they are as coarse and dour as those of other criminals, but their expression in nearly every case is entirely different. The shifty eyes have grown steady, the sullen brows and lips are clear. Heads are held erect; they walk without a slouch. They come in as criminals; they are tainted, generally speaking, with the taint of early crime—the worst time, when crime has most power. They leave Borstal in most cases, after one, two, or three years under the hand of the law, better men than when they entered it.

There is still to be considered what happens afterwards. Borstal is often but the prelude to reformation, and the authorities who have devised Borstal treatment and who watch over its results with the interest of a mother over her child—irreverent persons have compared it to a hen with one chick—have still to face the future that awaits these well-drilled, well-trained inmates when they get outside the prison walls. But that is another story. It is much that we can say, here is a place which, receiving hard material that has given repeated evidence of depravity and shame, can send forth its inmates as well set-up youths, accustomed to hard work, active and alert, capable, if opportunity is given them and the fates are kind, to prove themselves worth in the labour market and in the ranks of honest men what they could never have been had not they been sentenced to detention in the Borstal Institution.

The old-fashioned prison administrator shakes his head at Borstal. A prison where after five months' good conduct a lad is allowed play for an hour every evening at chess or draughts, or talk—under supervision; where food is better, and there is an atmosphere of cheerfulness not unmingled with kindness on the part of warders and instructors, is shocking to the old school. But they need not, in truth, be really nervous.

'It is not a namby-pamby method,' says the writer of the report I have already quoted, 'and the panic-monger who prophesies that the ambitious youth of the working-

classes will clamour for admission, through the gateway of crime, to the advantages of Borstal, would be regarded as a humorist by those who have been there and have "had enough and learnt sense." There is continuous labour; the food, though rather more substantial, is quite as uninteresting as other prison fare; and though there are extra privileges to be earned, it takes a great deal of solid energy and determination to earn them.

Above all, there is at Borstal an expenditure of great moral and regenerative effort on the part of the responsible officers. This is the case in all prisons. In these days, governors and chaplains, and their helpers, the officers of Discharged Prisoners' Aid Societies, concern themselves very closely with plans for finding work, or a good start, for prisoners upon discharge. The public little realizes how much is done, the prisoners themselves never. But at Borstal the solicitude for the lads on the part of their many friends approaches the attitude of a father for his boys. The very thoroughness and success of the work done for them while they are there increases the anxiety of the various workers that their labours shall not turn out fruitless through a return to bad surroundings or a hopeless search for work. The Discharged Prisoners' Aid Society, called the 'Borstal Association'—for special after-care of Borstal boys—was founded in consequence. If a lad after serving six months in Borstal shows sufficient signs of amendment to warrant the act, it is lawful for him to be released on a conditional licence. He is handed at once in this case over to the association, and according to its report of his progress is he able to turn his back altogether upon confinement, or, if he plays the fool, liable to be seized again, returned to Borstal, and serve the portion of his sentence which was unexpired the day he left.

What influence would Borstal exert in prison administration as a whole? The Institution has justified its own existence. But that raises the much greater question whether it may not prove the beginning of much more. It is not for a mere observer to judge, but were it only possible in some manner to achieve in other prisons the change of bearing and expression to be seen in Borstal inmates now, prison life and discipline would bear a new significance, and need a new name.

It is not impossible. The way may be long, and progress must be gradual, but the men who have established Borstal, and those who are responsible for all that it has accomplished, may be trusted to do what lies in their power to

make our prisons all that we could wish them to be. Borstal is the brightest spot on the horizon of future prison administration.

## CHAPTER VI

### THE WOMEN

THE number of women prisoners, including suffragists, is roughly about one-ninth of the whole prison population. In 1909-10 out of a total daily average of 18,923 inmates of local prisons, 2,672 were females, while of persons undergoing sentence of penal servitude 2,975 were men and only 131 women. It is worthy of note, also, that whereas statistics show that an increase in the daily average of 1,196 men had taken place in local prisons over the previous year, the increase in the average number of women in these prisons was only 8, while among the convict class it was only 1 to 41 men. In regard to the length of sentences, comparative figures published by the Prison Commission show that, while the percentage of women sentenced for short terms of imprisonment is practically the same as that of men, nearly three times as many men, in proportion, were sentenced to terms between six months and a year, while for terms over a year the proportion was 1·18 per cent. of the males against ·14 per cent. females.

The problem of the right treatment of women in prison, therefore, is far less in magnitude than that of their brothers. A visitor feels this instinctively as soon as he enters a prison for women. Prisons, like private dwellings, have their atmospheres, which are not, by-the-by, always a question of the class of prisoner under discipline so much as of the personality of the governor in command.

The atmosphere of a prison for women is a peaceful one. Though infinite patience, firmness, and, above all, watchfulness are required of the staff controlling it, there is less hard steel needed behind the patience and the care than in other places.

In one women's prison, for instance, eighty-nine inmates were seen working under two wardresses. It is true that many of these were second-division prisoners, or first offenders in the Star class, but in no male prison would it be safe to provide such slender supervision. This spectacle, and certain familiar sounds in that work-room, caused the visitor to inquire about the rule compelling silence among prisoners, mentioned in the standing orders. The governor, out of hearing of his staff, replied with gravity: 'That is

the rule, and any improper breach of it would be reported to me and mean punishment for the offender. But they are women.'

A female prisoner never sleeps on a bare 'plank.' She has a mattress from the first. No woman, now, even though sentenced to hard labour, works alone in her cell unless she is a convict, and then for a much shorter time than a man. An ordinary prisoner, if a woman, goes with the rest on the first day to work in sewing-room, kitchen, or laundry. 'Hard labour' for a woman only means washing or scrubbing—the oakum-picking, which still lingers in male prisons to a limited extent, is now abolished from all up-to-date female houses of detention.

The dress of the women is, in general, a dark brown, not at all unbecoming when the wearer is comely, with a rather dainty white cap as head-gear. The ugly prison drab of the men is not seen on the female side of the gaol. Mere male readers may deem this a small point; ladies will know better.

The work in a prison for women is mainly, of course, sewing in all its branches. In the work-rooms, to which allusion has been made, some were cutting out, some trimming bonnets, some working sewing machines, and the rest, the large majority, stitching shirts, blouses, and a variety of garments which a male pen should not be called upon to specify. There was no useless scrap work; each prisoner in her degree was busy making clothing for prison officers of both sexes, for Borstal lads, and the staff of public departments. Then there is knitting—from its earliest stages up to the making of stockings and vests. Both in this and in the making of clothes great pains are taken with younger prisoners who are to remain any length of time in confinement, in order to teach enough for a thorough understanding of the uses of a needle. Many know nothing whatever about housewifely accomplishments. They cannot work, they cannot sew, they cannot clean. They are often ignorant and lazy beyond belief. Therefore, though it is seldom that a wardress is called upon to exert physical force or hold her own, as a member of the male staff may be obliged to do at any time, by sheer strength, muscle, and nerve, yet she has her particular trials. Persistence in effort to teach, patience and imperturbable good temper in circumstances that make her fingers itch and burn almost past endurance to give a good, sound slap, are perhaps the qualities she needs to cultivate the most. If a male prisoner may be brutal and violent, a female is often



shifty, cunning, and sly—extraordinarily sly—or else preternaturally stupid. It is not a weakness of the powers that be, it would appear, to overstaff the female side of a prison.

On the other hand, women prisoners are more sensitive to punishment than men. They do not like to lose marks for misconduct. Loss of marks means no remission of sentence: less gratuity: fewer visits from friends, and fewer letters. Least of all do they appreciate the punishment of being confined during work-hours in their cells. The very leniency of the authorities in allowing some conversation about work, if kept within bounds, becomes a weapon in their hands if a woman transgresses.

It is a very serious hardship to a woman to be denied all association with her kind for a few days, and the dread of it gives edge and power to the warning of an officer. This punishment in most prisons is seldom put in force. There is, besides, the dietary punishment extending, as with men, to three days' bread and water—in solitude.

There is no other punishment. No corporal chastisement is allowed in any event or for any cause: no withdrawal of the mattress from the bed; no stone-breaking or oakum-picking for female prisoners.

Moreover, matters even as they stand are changing in the direction of less rigorous confinement. A woman's cell is the same in size and has the same amount of furniture as a man's: but she has a chair instead of a stool. Women in the second division—the suffragists are placed in this division—are generally allowed now to have an iron bedstead and a spring bed beneath the mattress instead of the mattress on the wooden 'plank.' The tin mug and other ware is going and crockery taking its place. 'It means much breakage,' say the officers pensively, 'but that concerns the taxpayer, not us.'

The suffragists, it is said, take the credit for all this improvement. They have certainly, when in prison, done their best to make prison administration as expensive as possible. Beyond this the connection between their agitated ecstasies and a greater degree of comfort for the less-criminal prisoner is not apparent. The lads under Borstal treatment who have reached the Special Class have iron bedsteads too, and even strips of carpet and looking-glasses. Yet they have not tried to turn a prison upside down. A word must now be said about the suffragists. It has been a matter of speculation whether their escapades in prison would not seriously affect the discipline of Holloway as a whole, and even lead to an Amazonian revolt by-and-by. Careful

inquiry into the subject has had interesting and somewhat suggestive results.

The conduct of these ladies at their worst, or best, undoubtedly made a deep impression upon the other inmates. A few—the younger members—roused by the heroic example, tried in a mild way to imitate it. But at the first sign of determined repression from the authorities they promptly gave up the struggle. The rest, representing public opinion in the prison world, not only refrained from excesses, but behaved with even greater decorum and punctilious respect for rule than before. The reason they gave for this was that as respectably, regularly conducted prisoners they were thoroughly disgusted and even scandalized by the gratuitous contempt of authority shown by their ‘educated’ sisters. They thought it improper to slap or bite a wardress, nay, worse, gross bad taste. The revolt against authority was neither tragedy nor comedy to them—but merely vulgar. As one expressed it, with a curling lip that would have done honour to a suffragist apostrophizing a Cabinet Minister, ‘A low lot, I call ’em; a fair disgrace to us all.’

Alas! who is a prophet in her own country?

The improvement in modern prisons for women are not to stop at iron bedsteads and earthenware mugs for second division offenders. The windows of the cells, as at Borstal and elsewhere, are being enlarged, and the system of ventilation improved. The change is not wholly for the better, as the uses made of the privilege are not always what they should be, but the changes will be beneficial to health.

In one particular—the matter of food—women prisoners do not gain any advantage over men.

Those who desire to picture the suffragist in prison sitting in her cell in her brown dress and white cap will be interested to know that, as a prisoner of the second division, she receives ‘B. diet.’ This for breakfast means 6 ounces of bread and a pint of gruel. Dinner consists of 6 ounces of bread, 8 ounces of potatoes, and either cooked meat, beans, and bacon, soup (one pint), or suet pudding. For supper 6 ounces of bread and the pint of gruel as at breakfast time.

Doubtless for those accustomed to the food eaten by people of the middle class of England this B. diet is not appetizing. That it is good of its kind can be vouched for, but it is certainly plain, as all prison fare should be.

The ordinary female prisoner does not have B. diet to begin with. It is a salutary rule, as I remarked before, that the first taste of prison—which is all many a short-sentence prisoner gets—shall be the most unpleasant. So, for the

first week, and perhaps a little longer if she is remaining under a month, the female of the third division in Holloway and elsewhere receives, besides the bread and gruel for breakfast and supper, only bread and one pint of porridge for dinner, or bread and 8 ounces of potatoes, or bread and suet pudding—all nourishing, but particularly dull. After a week or two, however, she rises to B. diet, and after four months to C. diet, which means a still more substantial dinner, and for breakfast tea instead of porridge, and at supper cocoa.

In the matter of recreation women stand on the same footing as men—except when they have babies under eighteen months old. A woman with a baby under this age brings it into prison with her, and, while she works with the others all day, seeing it only at intervals either to feed or tend it, she has it all to herself at night, with the one proviso that it must sleep in a cot of its own.

In the day-time the infant population of the prison is gathered in a crèche. There it has an uncommonly good time and gets properly fed, bathed, and disinfected until such time as its parents are released and it returns to the squalor and the risks, the excursions and alarms of the slum whence it came. A pathetic sight are those babies in the prison crèche. At the time I visited one took possession of the governor's legs, and another hailed him uproariously without the least regard for his position or his rank; while a third crowed in a cot, and a fourth was being trundled about by a prison nurse, the monarch of all he surveyed. Yet, merry as they were, the little creatures showed plainly the signs of old neglect. They are too often the offspring of drinkers and worse, and they have the time of their lives when it happens that their natural guardians are caught in the grip of the law. What happens at other times to them? What will happen in the days to come?

The sight of the offspring of the female prisoners, many of whom bring in relay after relay of babies as they drop into temporary residence year by year, brought out with peculiar force the central problem of all—reformation of character and the recovery of self-respect.

In the prisons for women, as in those for men, there is a careful orderliness and atmosphere of industry, and the regular performance of tasks which are measured out and appraised in marks at their proper worth. All this is to the good, and, with the deterrent effect of the strict discipline, confinement, and irksome lack of change, is about the best that any prison administration appears able to do at present

in the direction of checking criminal tendencies in women and encouraging habits of sobriety and industry.

But when all is done that can be done here, how much remains! These mothers of the babies in the crèche serve their sentence more obediently and quietly than their husbands or brothers. But, as the chief guides and guardians of the generation to come—these babies to wit—there is a far greater need for good influences to surround them afterwards to prevent relapse to evil ways. All administrators of prisons feel this deeply, and every encouragement is given that can be extended under the regulations to helpers outside who will take charge of female prisoners in homes or try by other means to place them in the right paths and keep them there.

The weakest link in the chain is that, if the woman herself refuses to take advantage of the help offered, nothing can be done, and she must be allowed to drift and go her way until she appears again at the gate with another half-starved infant at the breast.

Many of these women are of weak intellect, though not to be certified as imbecile or of unsound mind. Others, again, are simply hard and callous. They love their babies in a way, and for a time. But they love indulgence in crime or appetite far more. Prison as it is now has no terrors for such women. It is a home of rest where, with their children off their hands, they can recruit for next time, get good food, good clothing, sound sleep at night, and regular employment by day, and so increase or recuperate their animal spirits and vigour.

The time will come when public opinion, in order to save the babies of such mothers, will insist that further obligation shall be imposed upon women of habitual criminal instincts beyond that of simply serving a sentence of imprisonment in a comfortable gaol.

## CHAPTER VII

### NON-CRIMINAL

THE atmosphere of the gaols inhabited by the ordinary convicted prisoner is, naturally, more remarkable for regularity and order than for bustle and variety. The convict prison is equally orderly, with sterner features exemplified by the rifles of the civil guard. But the temporary abiding-place of the debtor, the person awaiting trial, and the gentry who, although convicted, are placed in the first and second

divisions, has a different atmosphere altogether. 'From information received,' as the police say, it would appear that standing order and rules and regulations issued by the Prison Commission, which lay down in careful detail the duties of prison officers of all ranks and provide for every emergency, are in 'trial' prisons often practically non-existent. Readers must not infer from this that these prisons are not under regulation, but that so unlike are their inmates from the population of other places of detention, and so various and exceptional are the problems that arise as to details of administration, that the men on the spot—the governors or their representatives—are obliged to use a wide latitude in the interpretation of their instructions. And they do use it.

This does not conduce to the peace of mind of a governor. Indeed, if a constant strain of attention to perplexing detail all day long, a wrong handling of which would mean serious consequences, constitutes happiness to the official mind, the governor of a 'trial' prison must be one of the happiest men in the service.

In the first place, a more heterogeneous collection of men it would be difficult to find. Take the men awaiting trial. In places where persons convicted of serious crime and of ordinary offences have to be housed in the same establishment they are classified as strictly as possible according to the nature of the crime committed and kept absolutely separate—the convicts in their cells, the habituals here, the 'Star' class there, and the juvenile-adults elsewhere, and so on. But in prisons where gentlemen reside because the court will not accept bail for them, but who are not *convicted*, the situation is, perforce, entirely different. A man awaiting trial cannot be pigeon-holed, for the reason that to a certain extent he is a free agent. He cannot even be bathed upon his entrance if he objects—always excepting those cases where the condition of his person or clothes renders that hardship necessary for sanitary reasons—he need not have his hair cut, or be shaved if he affects a beard. He need not clean his cell, or even make his own bed, or wash up his own tea-things, or eat prison food. Of course he must pay, in these circumstances, for services of others; but the payment does not exceed 6d. a day and 2s. 6d. weekly for rent of 'special cell.' He must also, if prison diet does not suit his taste, pay for food to be brought in or arrange with relatives outside to board him. Then his time belongs to him. He may work if he wishes to do so at anything which can be found for him to do in prison, or, 'so far as prison arrangements admit,' he shall receive facilities to follow any

trade or employment he chooses, and any money he earns by this means shall be his own. If he does work for the prison authorities, and is afterwards acquitted, he shall receive an allowance of money for what he has done. If, however, he does not want to work, he need not, but may kick his heels all day long, in his cell, of course, and read whatever literature his friends may provide him with, so long as it is not objectionable.

It will be seen, therefore, that the arrangement of a schedule of employment for trial prisoners is not an easy task. As a matter of fact, most of them prefer to work at whatever there is going in the prison to doing nothing. But they do not work particularly hard, and it is a voluntary act. The majority also affect the prison dress, a comfortable blue, and not a few live, and do not grow thinner, upon 'B. diet,' viz.—gruel and bread for breakfast, bread and meat or bacon or soup or suet pudding for dinner, and bread and porridge for supper. The rest, who feed themselves, have their meals brought in ready cooked in receptacles provided for the purpose, and numbered, so as to ensure the right man getting the right dinner.

The most obvious difference between the life of a prisoner awaiting trial and a convicted prisoner lies in the visits and letters he may receive from the outside world. An ordinary prisoner cannot see or hear from any one for two months after his committal. A trial prisoner every weekday may receive two people for fifteen minutes, or longer if the authorities allow it. He may also see his legal adviser or that person's representative at any convenient time. It may be imagined what this means to the officials where there are large numbers of such prisoners, as at Brixton Prison. There are ranges of cubicles and compartments here which at the time the writer visited the place were full to overflowing with chatting prisoners. In the case of the lawyers the visitor and his client were sitting at a table and conversing without being overheard by, but in sight of, a warder. Friends and relations, however, cannot talk to the prisoner in private. Prisoners of exclusive tastes have special private compartments provided for them where, under the surveillance of an officer, they may receive whom they please. But most inmates prefer another arrangement. There are a series of open compartments all forming one large room or hall, down the middle of which runs a double wire screen. On each side of this screen, in the compartments, the prisoners converse with their friends, and behind them warders pace up and down. The disadvantage of the publicity of the

arrangement is more than compensated, in the opinion of the lower type of prisoner, by the facility with which he may exchange unheard remarks of a private nature with his visitor when the warder happens not to be close by.

There are, therefore, constant ingoings and outgoings at these prisons, and, next to the governor, the busiest functionary on the place is the keeper of the prison gates. He is chosen, to judge by observation, because he has a tongue of velvet, a most excellent temper, the vigilance of a bull mastiff, and legs of tempered steel. The greatest watchfulness must be exercised. Most of the trial prisoners are there because it would be highly undesirable in the interests of justice that they should be at large and able to 'fake' evidence or destroy it. Consequently the purport of their communications with their visitors and the purpose of the calls of these visitors have to be sharply observed, especially the identity of their 'legal advisers.'

That the authorities are watchful the writer can vouch by personal experience. But their fingers, though carefully inserted in every pie where discipline or duty requires it, must touch lightly. Tact, firmness, and good judgment are particularly needed where the man you have in custody to-day may to-morrow be given his freedom without a stain upon his character.

The difficulty of classification has been mentioned. It is not neglected. A trial prisoner who does not work must remain in his cell, except when at exercise or seeing his friends. A trial prisoner when set to work is placed where the authorities decide, and no older prisoners who have convictions recorded against them are allowed to work in association with the young men or with those who have not been under trial previously. The work provided is, of necessity, simple in character. Trades and skilled employment cannot be taught to so shifting a population. As to the general position of a trial prisoner; he may have any comfort within reason, together with a comfortable bed and chair.

Then there are the offenders of the first division. These include persons guilty of political offences or convicted of libel, etc. They are allowed to have much the privileges as prisoners awaiting trial. Bath and shaving are not compulsory. The cell may be furnished, the food brought in from outside, the cleaning and washing performed by others and paid for. The first division man may wear his own clothing; he may work or not, as he chooses. He cannot, however, be visited oftener than once a fortnight, but may

then receive three friends at a time. The debtor, who is usually a man committed for non-payment of rates, comes next to an offender in the first division. He may wear his own clothes, and need not take a bath on admission unless it is necessary. But he has to eat prison food, he must clean and look after his cell himself, and he must work. Should he have a trade or employment of his own he may work at that, and any money he makes at it will be given him, subject to deductions for his maintenance. During hours of exercise he may associate with other prisoners confined for the same offence. In the matter of visits he is more fortunate than the first-division prisoner, as he may see his friends once a week.

Take it all in all the debtor has matters made fairly easy for him, and is easy to take care of. He is not an unknown quantity to the officials. His work, such as it is, is generally at their disposal.

The second-division prisoners come at the bottom of the scale of the 'non-criminal' class. They are persons who, if committed by the Court according to the regulations laid down by the Secretary of State—a big 'if' as it happens—will be 'of respectable antecedents,' and men who have not committed a serious offence. It was the intention of the Prison Authorities when second-division prisoners were created that this division should segregate a large slice of the people, especially the younger men and women, who go under sentence as third-division or ordinary prisoners. It was hoped that all magistrates and Courts of summary jurisdiction would second the effort made to cut off from association with ordinary criminals those who, after leading a decent life, had suddenly fallen at once into crime. There are so many of these, and their punishment, even with the closest supervision, when they are thrust into ordinary prison life, is often so hard in comparison to their offences, that the Prison Commissioners hoped a means had been found by creating a new class, of performing an act of real humanity as well as of common sense, and placing a fresh bar against the moral contamination which creeps in in spite of all precautions where ordinary prisoners are gathered together. But the Commissioners have failed. Though 50,000 to 60,000 ordinary prisoners are committed yearly to prison without hard labour—that is to say, because the Court did not consider their offences were really serious—only 2,000 to 2,300 were placed in the second division.

It is not for a layman and an outsider to form a judgment upon the reason for this circumstance, much less to express



any opinion reflecting upon our public services. But somewhere and somehow some one is blundering very seriously over this matter. If there is one thing that is more obvious than another when a prison is examined, it is that the classification of prisoners as it stands is inadequate. Go where you will you will see men, and women too, working together at the same bench, or round the same washtub, or sewing, side by side, who ought to be miles apart. It is inevitable that this should be so in some degree, and with all its disadvantages it is a lesser evil perhaps than the dull monotony of separate confinement, which ought to be in the opinion of many authorities entirely abolished. But surely it should be made impossible for the old hands to annoy or instruct the new. The Prison Commissioners know this, and every device that can be invented within the prison walls is brought into play with the object of segregation. But the decision upon which division the prisoners shall belong to upon his committal to gaol rests with the Court which sentences him, and with that Court alone. The Courts, therefore, must share the responsibility for inadequate classification.

It is whispered that magistrates as a class know little of prison life and its effects, and that Justices of the Peace often know less. It is said that forms of commitment are filled up by clerks of Courts by routine and rule of thumb. It is declared that a notorious habitual thief often receives just the same sentence as the lad who puts his hand for the first time into his master's till. I know not how far these reports are accurate. But this much is certain. Our Courts of Justice have a very great responsibility in this matter, and prison reformers would do well to turn their attention to them and personally question every Justice of their acquaintance as to the procedure of his Bench, and ascertain precisely what his view may be of the question, and what he does.

The offender of the second division is in the first place kept absolutely separate from all ordinary prisoners. He is dressed differently, in brown instead of drab; he begins his sentence upon 'B. diet,' with its substantial midday meal; he is not obliged to have his hair cut to prison length; he never sleeps on a plank bed without a mattress unless he has to be punished for misconduct; he is allowed to see his friends once a month instead of only once in two months; and he works from the beginning at interesting work in association with others of his class. In other ways he must conform to the ordinary prison discipline and rule, and his life is not too joyous. The real hard-

ship of being in prison, a governor said to me once, is the feeling that you are under rule, under a warder's eye, and under lock and key, always. Therefore a second-division man does not escape punishment. But he does not undergo what the wife-beater, the habitual thief, and irreclaimable, receives—the 'A. diet' of bread, porridge suet pudding, and potatoes only; the bare boards to sleep on; the solitary confinement for twenty-eight days. Such punishment, with which, it must be remembered, all ordinary and third-division prisoners begin, and properly begin, their sentence, is not justly applicable to a man who goes to gaol because he is unable to pay a fine for infringement of some police regulation.

## CHAPTER VIII

### THE PRISON STAFF

THE prison service is not one in which the public takes much interest unless there is a 'scandal.' Then a great number of persons without doubt or hesitation immediately believe every possible and impossible fabrication of cruelty which the ingenuity and prolific imagination of a prisoner who has an honest living to make upon his discharge by supplying 'facts' to some sensational periodical can invent. This rather annoys the service. It does not make it very angry, because if you castigate a service long enough it becomes inured to the process. Prison officers never whine about it, rarely grumble. Generally speaking, they consider it as a grim joke rather than as anything that should be worried about.

But it is not a joke. A self-respecting policeman knows that if he has enemies he has also warm friends and admirers, for whose sake he must strive not to let the reputation of his service suffer. He knows that a policeman in England is felt to be the friend and the protector even by the very classes he must in duty lay hands upon. The soldier and the sailor have equally the honour of their service in the public mind to uphold. The prison officer alone gets no public recognition for good service, only severe punishment and abuse if anything goes wrong or appears to be wrong. If any member of the ordinary public thinks about a prison officer at all it is to picture a stern-visaged, formal individual with a bunch of clashing keys, a harsh voice and a heart as hard as the stones of the great walls behind which he passes all his working life. He is placed

behind those walls, the public thinks, simply to punish, to discipline, to compel. He may in his private life be no worse than other men, but in his official capacity he is thought to be a cold, unsympathetic disciplinarian at best, and at worst a brutal petty tyrant, comforting himself for a monotonous life by taking it out of his prisoners.

This is not true; yet it is not unreasonable that the public should be prejudiced unduly in this matter. There is no natural link between the man in the street who has not been committed for anything and the man in uniform behind the 16 ft. wall. Neither party is at fault if misunderstanding arises. Each should remember this. While the man outside should try to put himself in a warder's place and give him credit for making the best of a very hard job, the officer inside should recollect—as, to do him justice, he generally does—that in spite of the walls he can do much by his treatment of the prisoners under his charge—by justice and kindness, and sympathetic discharge of his duty, which does not mean weakness or indulgence—to make it known outside that such influence and power as he possesses over his charges will be well and manfully used.

There is another point—the usage of the subordinate officers by their superiors and the treatment of those superiors by the authorities at Whitehall. A great diversity of opinion exists among those who come into close contact with the prison service in this matter. I have heard it said that there is a hard cast-iron discipline throughout, and that no officer in a prison, the governor least of all, can call his soul his own, and that every detail of his work down to the smallest item of daily routine is planned out for him, and that any governor who dared to comment upon any of the 'Standing Orders,' either by protest or criticism or question, would be held to be a mutineer to whom promotion would never come. On the other hand, I have heard governors say that they conducted their work with sublime indifference to those standing orders so far as details were concerned, and successfully governed and administered their prisons to the satisfaction of the authorities by following the dictates of common sense, and by their personal knowledge of and sympathy with the minds and aims of Commissioners in all-important issues.

Perhaps the truth lies between the two statements. The system of government handed down from old days is strictly military in the old-fashioned sense. As a system the service is under autocratic rule; and, given a Prison Commission devoted to red-tape and pipe-clay, undoubtedly in-

dividuality and initiative might be crushed out or at least discouraged in superior officers. The same might be said of the Police, the Army, or the Navy. But the democratic spirit of the age is too strong for old service conditions. In a former chapter I stated that the keenest prison reformers of all were the Commissioners themselves. I repeat the statement now. This does not mean that they are not masters in a very full and complete sense. They must be. Every act of a governor, even of a warder, the Prison Commissioners may have to account for to the Secretary of State, and this Minister to Parliament. Consequently the heads of the service must keep a tight hand upon those whose acts might get them into great trouble. It is also true that in the past there has been discipline of far too rigid a character. Some of it remains. A weak governor still feels oppressed by its weight, and fears to speak above his breath of things which in reality Whitehall would be only too glad to hear him say distinctly. But red-tape and suppression of reasonable opinions and ideas are not in accordance with the wishes of the authorities. Evidence has been given under the writer's observation that those officers who possess the full confidence of Whitehall are the men with ideas, enterprise, and energy. But they must know their work first. Efficient workers and administrators, not talkers, are wanted in prison service.

Then there is the work they have to do. This can only be appreciated fully by watching them at it.

The life of the prison warder is one of routine, but a routine of duties which require all his faculties to be constantly on the alert. He is instructed that the chief purpose of his existence and the path of promotion lies in his learning to handle and influence men. Day by day, hour by hour, he stands or walks with his men, the prisoners who are at work or exercise. His eyes must be always upon them, noting their movements, whether they are industrious or idle, brisk or slow, obedient to instructions or insubordinate. He has to be a judge, therefore, of what they are and what they do; and everything he sees he must remember, whether for good or evil. But while this is his first duty, to watch and put down with scrupulous accuracy what he sees for the information of his superior officers, he has a further and a higher duty—if it is in him to perform it—that is, to influence and strengthen prisoners. A warder who is simply a recording machine of all that happens, who keeps order and does what he is told himself, and is content with accurate performance of the duties of routine, is not a

warder who will rise high in the service and win the plums which are offered to aspiring officers in the higher ranks. Those who receive preference for higher grade appointments are the warders who improve the *morale* of the parties in their charge; those who, having troublesome prisoners thrust into their hands, so deal with them that they cease to be rebellious and insubordinate. Such results can never, under the present regulations, be achieved by harshness and bullying. The opposite indeed is the case. Many governors have told me in answer to the question—How is a warder who bullies his prisoners secretly found out?—that such a man is bound to bring more complaints before the governor than others as to the conduct of his men, and that nothing fills a governor's mind so quickly with suspicion and watchfulness in regard to a warder's conduct as receiving from him many complaints against prisoners.

Therefore, though most of the work of a warder with the prisoners in his charge must take place when no other officer is by—or within hearing—the interest of the warder so clearly lies in proving that his men can be orderly, industrious, and well-behaved without the imposition of punishments that a natural and effective safeguard exists against tyranny and spiteful treatment of prisoners.

No warder may give punishment himself to a prisoner. He must report misconduct in writing, and his report goes before the governor for decision. Any prisoner, if he has reason to believe that he has been unjustly reported by a warder who owes him a grudge, may get access to the governor and say so. And though one or two complaints of such a character might not be visited against the warder, if they became at all common the officer would presently be watched without his knowledge and quietly tested, and dealt with accordingly.

The responsibility for all acts of every member of the staff of a prison rest ultimately upon the shoulders of the governor. The organization of the service provides that within the walls of his prison he shall be, on the one hand, absolute master; on the other hand, if anything goes wrong he is responsible.

'The governor,' say the standing orders, 'will have the general control and management of the prison, will himself conform to all rules and instructions, and will see that all other officers obey them.' These 'rules and instructions,' it may be stated, cover thirty-one printed pages, from the order dealing with the capture of escaped convicts to that which directs the chief officer of a prison how to attach papers to

a letter when forwarding reports to the Commissioners. Many orders are excellent and obviously necessary. But, after all, their chief significance lies in what is left out. They provide the flesh and blood and bones of a governor's duty and power. He himself has to put in the soul. As the governor is so will the prison be. A good governor can turn the most hopeless prison into a thoroughly efficient institution. A bad governor converts the best-ordered establishment into a hotbed of slovenliness, discontent, and finally of mutiny.

Such a post is a responsibility the weight of which is entirely unrealized outside the service. In the smaller prisons, where no deputy-governor is allowed, the governor is practically never off duty night or day. He may be called up at any time to face any emergency. Every prisoner who has a complaint may bring it to him direct; every paper, every report, every statement, whether of the conduct of the men or of the storekeeper's accounts, has to be initialled by him. Every letter to or from the prison must pass through his hands. Every one of the thousand and one problems, small and great—the smaller ones being often the most difficult to decide—is placed before him for solution, and his judgement is final. There is no appeal against it except to the Prison Commissioners. A governor must never be hurried or flurried; always be equable in temper; just, yet strict in discipline; ready to hear all sides; able to hold his own and judge, always, without fear or favouritism. Then he is under constant supervision from headquarters. So serious and even vital is it that a governor shall never go wrong that the central authority, while placing him in full command of all he surveys at home, takes particular care that he shall be under no delusion as to his absolute subordination to the main authority elsewhere. In our prison system, as in all other services, the standard is set by the supreme authority. At the present time that authority is in earnest, in passionate, deadly earnest, to promote at once a humane yet thoroughly effective strict government and management of prisons. First and last the central power is human and flexible, elastic, personal. It may make mistakes, but it is alive. Once upon a time there was deadness and lifeless, stony regularity. The tradition of this exists even yet, but a vigorous broom has been at work destroying cobwebs since 1894. By the irony of fate this is not known to the public at large. Traditions of the past are hard things to kill; and it is still firmly believed by otherwise intelligent persons of quite lofty position in the legal and other worlds

that prisons are governed by rule of thumb and governors are encouraged to believe that an iron discipline and cold regularity should be their main object in administration.

Then there are the chaplain and the doctor and their subordinate officers.

The doctor in a large prison has an extremely busy life of it. There are not merely the ailments that prisoners suffer, or may suffer, which he has to watch and deal with, but the countless and marvellous complaints which prisoners say they have and—where there is a nice hospital ward—are intensely clever in attempts to prove that they possess. All these must be diagnosed as well. And it may be said at once that, serious as it is for a medical officer to find that he has been deluded by a would-be invalid into giving a man in health treatment he did not require, it would be ten times more serious if, through carelessness or irritation at imposition, he were to neglect a real illness and refuse a sick man the care he needed.

The chaplain, next to the governor, should exercise the greatest personal influence in the prison; and perhaps he alone receives from the outer world some of the credit he deserves. It is his duty, besides religious and spiritual ministrations, to visit every prisoner at times, and, where he can get hold of a man's heart or mind, bring earnest persistent influence to bear to soften and improve it. It is an uphill, weary task in most cases. There are the younger men, who may be influenced, and here and there the men of better class; but as a rule prisoners are a class of persons whom only a personality of the most exceptional kind can awaken to a real sense of better things in such a way that the improvement will be permanent. Prison chaplains do their best, and how much that means the results achieved do not adequately represent. But the service needs for this duty clergymen of very commanding abilities indeed.

As a whole, and in spite of black sheep, the staff of our prisons are men and women of whom the nation should be proud. They are neither callous nor hard in their attitude to prisoners. They strive, with a courage and devotion which is unknown to the public outside, toward the ideal set before them—to reform those in their charge. When they fail, it is not so much from want of effort as from the difficulties and obstacles which are in their path. Sometimes they succeed not only in doing good to those they serve, but in awakening a real and permanent feeling of gratitude and friendship.

In one gaol a man of better class was imprisoned for a

serious crime. He became so much depressed that there was fear that he might commit suicide; but he won through. Upon his discharge he told a friend that he owed everything to his warder, who, he said, had saved him from himself and shown him what true manhood meant. They became fast friends and correspond to this day, though that man has never been inside a prison again and never will. There are more warders of this class than is realized by those who have not seen them at their work.

## CHAPTER IX

### REFORMATION

WHAT happens to prisoners after they have served their time? Upon the answer, if it were possible to know the full and complete facts, would depend the existence of our present system of prison administration. That system has been reviewed, or rather indicated in as much detail as circumstances permitted. All that it attempts, and that which those who are responsible for it would have it do, is contained in the well-worn phrase 'to deter and to reform.'

In the old days prison was primarily, as everyone knows, an act of vengeance for wrong done, being, in short, only a substitute for the ear-cropping, nose-slitting, branding, and the rest of it dear to our rough-and-ready forefathers. All this has passed away with the one exception of the lash for mutiny and murderous assault in prison—a rare exception in these days. In place of punishment for punishment's sake there is useful, educative labour provided for all, from the lad who is sentenced to a week for skylarking against borough or county by-laws to the recidivist doing twenty years for manslaughter or worse. There is, moreover, direct encouragement and stimulus given for good behaviour and industry by the institution of the mark system, or, as it is termed, the 'System of Progressive Stages.' This has been casually alluded to already, but in connection with a study of the results of our prison system it merits special mention here.

'A prisoner,' say the regulations, 'shall be able to earn on each weekday eight, seven, or six marks, according to the degree of his industry. On Sunday he shall be awarded marks according to the degree of his industry during the previous week.'

The only time when a prisoner does not receive any



marks at all is when he is under punishment for some serious breach of discipline or for idleness.

The number of marks a prisoner may receive per day depends on whether he does a *minimum* day's work (six marks), a *medium* amount (seven marks), or a *maximum* quantity (eight marks). The amount is awarded by the officers in charge of him, usually the warder and the instructor. The manual skill of a prisoner, it is specifically ordered, shall have no relation to the marks he earns. Industry and general behaviour alone can help him. Warders and instructors charged with the duty of marking are very carefully trained in this matter and their conduct sharply watched by superior officers. Prisoners may, and do, complain direct to the governor if they think they are not fairly treated. The results of marks are regulated as follows: A prisoner passes through four stages—that is, if he remains long enough in prison, or as many of them as his term allows if he is under a short sentence. He begins in the first stage, during which he must earn 224 marks. This will take him 28 days if he is industrious, or 37 days if he does only the *minimum*. During that time he receives no gratuity or other privilege. When he is through it and in the second stage he gets a gratuity of 1d. for every 20 marks earned if he does not remain to the end of his second term. If he does remain he is credited with 1s. for the 28 days. Arriving at the third stage, which will take him two months from the day he enters prison if his conduct is exemplary, he rises a step, and as well as other privileges receives credit for 1s. 6d., or, if he leaves prison before his third month ends, at the rate of 1d. for every 12 marks earned. In the fourth or last stage he gets 2s. after earning the 224 marks, and from that time onward, so long as he remains in prison and continues to be well-behaved and industrious, he will have 2s. placed to his account upon the completion of every 224 marks. Besides the money, which after a long sentence mounts up to a respectable sum, a fourth-stage prisoner is allowed to have a library book (a novel or anything he fancies) twice a week, as well as books of instruction; he may receive school instruction if lack of previous education requires it; he may be put to any lighter and pleasanter work than ordinary prisoners; receive or write a letter every two weeks (if he continues to earn eight marks a day), and receive a visit from a friend or relative lasting half an hour and another letter once a month. If he is in the fourth stage when he is released he receives 1d. for every 10 marks earned while working in that stage.

These 'incentives to industry and good conduct' are the sign-manual of the authorities that they intend prison life to reform as well as to deter. There are, of course, a score of other ways in which a governor who watches his prison family carefully and is aware of the infinite variety of human nature and needs, both spiritual and physical, can and does harden or soften the term of confinement for a man. There is work a prisoner enjoys and work he hates. The tastes of prisoners differ as widely in this matter as their capacities, so that, quite apart from regulations, encouragement to those who do their best and warnings and chastenings for those who will not go on quietly all the time, their extent and effect depending principally, of course, upon the perception and care and personal interest in the matter of the officers beginning with the governor himself.

There is, besides, the personal ministration of the chaplain, whose particular business it is, or should be, besides conducting religious services and fulfilling other spiritual duties, to make a special study of the character and disposition of each prisoner so far as this may be practicable, and know how to help him to become a better man. Upon the chaplain, indeed, rests the chief responsibility of bringing into prison life that human sympathy and compassion and brotherly helpfulness of strong personal influence without which many a soul stricken with remorse or depression finds lonely confinement, however humane, a living hell. The chaplain has no disciplinary duties. The manner of the warder must be the same, or almost the same, to all. The governor must carefully refrain, except under special circumstances, from anything which would appear to indicate special notice of individual prisoners. But the chaplain is not under any such disability. He visits men in their cells when and how he pleases. He has neither to watch for faults nor to command obedience. He may be helper, friend, counsellor, and brother—if he has it in him to be any of these things to men who have fallen.

There should be, therefore, no just cause for any prisoner to say that when he was in gaol he had no one to think of his future or care whether he lived or died.

There remains the fate of prisoners upon release. In gaol a man is protected from himself. The keynote of the system is to remove from him any responsibility, except to behave and to do what he is told. He is placed in a groove, in short, and so long as he runs smoothly along it he is safe. This is undoubtedly beneficial, up to a point. It teaches self-discipline and self-control. Criminals as a rule are

impulsive, violent, and ill-ordered in mind or body—always excepting certain classes of hardened offenders, who, of course, are not in question now. So it is well for prisoners to learn that hardness comes to those who kick, or sulk, or deceive, and advantage to those who obey, work hard, and do not shirk. But the benefits of such a system are obviously limited, and therefore, apart from the necessarily uncertain quantity of the chaplain's personal hold or the governor's genius for handling men, prison life can at the best only provide a foundation for that most comprehensive and complicated process we call reformation of character.

No sooner does the prison door close behind the offender, no sooner is he free once more to drink, or be sober, thief or live honestly, behave peaceably or take to violence, work steadfastly as he did in gaol or by fits and starts as he did before he went there, than it is to be feared prison habits tend to fall from him, and be left behind as the drab clothing marked with the broad arrow.

What happens? There are, of course, the 'D.P.A.'s'—discharged prisoners' aid societies. They are spread, in one way or another, all over the country. They employ a host of good men and women, paid and unpaid, striving to pick up the poor soul that has come out forlornly to face a frowning, respectable world, and give him the start or the opportunity he requires to prevent despair, or evil impulses, or companions, tempting him back to the paths which will surely bring him once again within the prison walls worse than when he left them.

The work of such societies, in which must be included the Church Army and Salvation Army, is so generally known that no description of it is needed. Nor would this be possible without some invidious distinctions. It is good work in a great number of instances; in all it is well-intentioned, and in some it is admirably thorough and well-organized. But if it is reviewed, as it will be here, in its relation to our prison system as a whole, it can only be pronounced as totally inadequate and unsatisfactory in its results, and futile in the last degree as a force for really reducing the crime of the country.

This is not, let it be said with all possible emphasis, from lack of effort or goodwill on the part of the rescue agencies concerned. Nor is it from neglect on the part of the prison authorities. Not only do the Commissioners order and the governors of prisons give every facility to representatives of D.P.A.'s to visit prisoners before discharge, ascertain all about them, and so procure necessary information to enable

them to judge what can be done in each case, but governors and chaplains often personally work as administrative members of the societies, and give the most anxious thought and much hard labour in their spare time in promoting the welfare of prisoners after discharge. In some places, indeed, the D.P.A. practically consists of the governor, the chaplain, and a few ladies in the neighbourhood.

But in spite of the best intentions, good work, and many individual successes, our army of rescue workers for reform of criminals is beaten by the common enemy. One cause for this is not far to seek. The army is without the first elements of cohesion of any kind. The units into which it is inevitably divided—*e.g.*, the various agencies at work—have no unity of policy, still less any system of co-operation. In some places they actually compete for custom, by which the wily criminal seeking only for the loaves and fishes that follow on 'conversion' is not slow to profit. In other parts there are but shadows and delusions, scattering half-crowns for railway fares and boots. There are, on the other hand, to be found among some of their workers the shrewdest brains and truest hearts in charitable work, but no means exist by which such men or women can become a power to leaven the inevitable mass of blunderers, who at present create far more confusion by inexperience than can ever be counteracted by the real reformers. Then the authorities themselves are not guiltless. Though they have pointed out the evils of competition and overlapping on the one hand, and have strengthened the work where possible by throwing the energies of the superior prison officers into the scale, the system by which official aid is given to the funds of D.P.A. is still extremely questionable. The standing order on this point directs that the amount which may be contributed toward the expenses incurred by such a society shall not exceed £2 10s. for 100 persons, or 6d. a head. Great care is taken that the societies are *bona fide* and comply with proper regulations, all of which is as it should be; but the sum of 6d. for each prisoner dealt with is quite inadequate where any real pecuniary aid is required.

It is easy, however, to criticize, and it must be borne in mind that the problem to be solved by the authorities in this matter is extremely difficult. No Secretary of State would be prepared to authorize the Commissioners to subsidize D.P.A.'s in a manner sufficiently substantial to allow of official interference in their management. Nor if this were possible would it be an unmixed blessing to the funds of

the societies. For wherever State aid increases, voluntary contributions languish, and the end would be that the State would be left with the whole burden of financing and staffing the societies which at present draw their chief support from private philanthropic sources. Further, reformation of discharged prisoners is seldom a question of money and official routine work. It requires, more than most forms of charitable organization, spontaneous initiative and individuality of effort. Such plants grow best upon free soil. What a discharged prisoner needs most of all is a faithful adviser and friend; next the opportunity of work under conditions which will give him a living wage, and keep him out of mischief; lastly—and only in a certain number of cases—the money necessary to buy him clothes and tools, and provide for his needs until the necessary work turns up. This money as often as not he can provide himself out of the gratuity due to him as a result of his labour in prison.

What appears to be most needed is that co-ordination of the most systematic and comprehensive kind should be instituted among all agencies and persons engaged in reformation and rescue work. Next, that through such co-ordination, a common principle of action should be created and underlie all efforts of societies recognized by Government—namely, the principle of thoroughness and adequate treatment where anything is attempted for a prisoner. Those agencies which scatter doles or content themselves with setting men up with stock to hawk in the streets—the surest way of leading men into temptation and bad company—should be so dealt with by the authorities that they can no longer exist. Where, however, good work is done, and the system of a D.P.A.'s activities is proved to be up to a recognized standard of efficiency, aid should be granted with no sparing hand—always provided that there is proof of proper efforts, first of all, by the managers to enlist private support and sympathy.

It is hardly possible, however, for the authorities to move first in this matter. A spirit of co-operation and true fellowship in charity must first arise among those who are responsible for the societies as they exist to-day. There are signs that this may come, and from personal observations I am certain that if any approach were made to the Commissioners for a revision of the whole system of grants and official connection of the authorities with D.P.A.'s by the societies, they would receive a most sympathetic reception. The Commissioners are well aware of the impossibility of prison discipline alone preventing recurrence of crime.

They appreciate all that is being done, and that could be done, by voluntary and independent effort after discharge, and, given a spirit of initiative and combination among the societies in this direction, the authorities, it is confidently asserted, would not fail to do their part. If evidence of this is needed, the conditions under which the Borstal Association works with the authorities in its reformation of juvenile-adults who have served their term at the Borstal institutions supply it in full measure. The system employed by the association for the after-care of lads has been fully described more than once. Here it is only necessary to point out that by the Prevention of Crimes Act, 1908, it is provided that:—‘Where a society has undertaken the duty of assisting or supervising persons discharged from a Borstal institution . . . there may be paid to the society out of money provided by Parliament . . . such sums on such conditions as the Secretary of State, with the approval of the Treasury, may recommend.’

Is it too much to say that since this is now the law as regards one section of prisoners, the societies which deal with the reformation of adult offenders have the matter to a large extent in their own hands?

## CHAPTER X

### THE SENTENCE

THE length of a prisoner's life in gaol depends first of all, as everyone knows, upon the will of the Court which convicts him of his crime. It is necessary, therefore, that the public, in considering the circumstances of prison administration, should also consider, and consider well, the administration of justice by its magistrates, justices of the peace, and Judges of the High Court. We expect prison authorities to improve a man morally, mentally, and physically in confinement. We require them to provide him with proper food and proper clothing, a decent bed, and a cell fit for human habitation. Prison officers must, under severe penalties, treat him with humanity and consideration. A doctor must always be at hand to attend him in illness. The chaplain is provided for his spiritual needs. The governor controls the whole largely in the prisoner's behalf, and at the close of his sentence is frequently instrumental in procuring him the help he needs to make a fresh start in life.

But we are all apt to forget that there is an authority holding all convicted persons in its hand which is under no

control except that of statute, custom, and tradition, which cannot be directly called upon by Parliament to account for itself, and which has absolute powers—the Court.

It is the boast of Englishmen that their Courts of Justice are the cleanest and the surest in the world. Our Judges are incorruptible; our stipendiary magistrates are lawyers of ripe experience and unblemished honour; and our J.P.'s are men of good report, and by every canon of the Bench are under a responsibility to act justly and to deal without fear or favour with all who come before them. In so far as right judgment upon an accused person's guilt or innocence is concerned, our Courts deserve all that is said or believed of them. It is true that gentlemen reach the Bench who might, so far as their technical knowledge is concerned, have qualified for the coveted J.P. on the same principle as the chief of a lynching party the writer belonged to once in the West, who was unanimously elected by us to the post of Judge because it was satisfactorily proved that he knew nothing whatever about law. But the clerk of the Court knows law, and common sense and good judgment are not the monopoly of one profession. When, however, the guilt of the accused has been proved there is a further question—a very serious and most important question—to be decided, and one which the Judge alone decides: the nature of the punishment which will fit the crime; and, if that punishment be imprisonment, whether the culprit is to be placed in the first, second, or third division; whether he is to have hard labour, and for how long he is to be under detention.

It is just here that, speaking with all respect and deference for this great public service of ours, I venture to believe a vast improvement is needed if the administration of the prisons of this country is to have a fair chance, if those unfortunate persons who are more sinned against than sinning are to be justly treated, and if the hardened sinner is ever to receive what he deserves.

Good intentions and zeal for duty all our Judges and justices possess. Their knowledge, their acumen, their sense of proportion in considering not only actual guilt but the degrees of guilt, are admittedly very great indeed. But how many of them, from the county J.P. to the Judge, really know the inside edge, so to speak, of prison life and a prisoner's way of looking at it? The agony such life may be, in the third division, to the first offender; the comfort and relaxation and health restorative it often is for a short spell to the old hand. Then, worse still, take penal servitude. When a Judge of Assizes sentences a lad of 18 to 15

years for some violent outrage committed in a fit of drunken passion, an isolated act in a life otherwise respectable and decent—I speak of a case within my knowledge—does he really know what he is doing? Has he been in and through Dartmoor and watched the faces of some of the juvenile-adults there, and studied on the spot the effect of such sentences upon young lives which were meant, with all their capacity for brute passion, for freedom after punishment and the softening influences of mothers and home? Or, on the other hand, when he puts away a recidivist, as he does often enough, for three or five years only, for a crime which has been repeated half a dozen times—say, housebreaking without violence—does his Lordship know what happens when that man is loose again—how he goes back to the old haunts not only to do it all again, but to teach and encourage and incite the young to follow his example?

I am well aware that it is often the law, not the Judge, that is inconsistent and unjust in these respects; but if our Judges as a body were in the light of knowledge and experience to feel that the law needed amendment, and to say so—would the law stand?

The trouble is that, if the necessary knowledge is to be acquired by our Courts, the august members thereof would have to take a holiday and at their country's expense visit and examine prisons, inside and out, and learn something of the curious morality and etiquette and customs of the 'professional' classes—on the spot. And they would have to do this periodically, for prison administration, under the pressure of reforming influences from Whitehall and other places, is always changing. Here, indeed, is the point of difference between the service that deals with the felon after he is sentenced and the Court which decrees his punishment. The one changes with the times and goes forward—sometimes, if you like, backward. The other remains practically stationary. The old, old forms of commitment—stating that a person is to have 'twelve months' hard labour,' and only leaving a blank for the name to be filled in, still stack the office of the clerk of the Courts, though 'hard labour' is never given in these days for more than twenty-eight days. That may appear a small matter, but it is significant of much.

Then take the prison statistics in regard to short sentences. In 1908-09, 93 per cent. of male prisoners and 97 per cent. of females out of the total number of ordinary prisoners committed to gaol only received sentences of three months or less.



Of course there were many causes for this. It is said by well-informed persons that the prevalence of unemployment, the present chaotic conditions of the vagrancy laws and regulations, and the constant additions made to county borough by-laws, an infraction of which is punishable by imprisonment with or without the option of a fine, account for a great proportion of these light punishments. This may be so; but the fact which stands out in black relief is that short sentences taken as a whole are the curse of our prison system, the despair of its administrators, and one of the most powerful, if not the most powerful, aids to crime.

Are our Courts aware of this? I doubt it. I was prosecuting a man for stealing a short time ago. It was a petty theft, but the record of the thief showed him to have been continually thieving for many years past. The magistrate, a London stipendiary, after ably dealing with the evidence, sentenced him to three months, with the careless remark that next time he was caught he would be sent to the Sessions. Doubtless the sentence was correct *in law*; but the ghastly mockery of so dealing with a creature who, as I discovered afterwards, was steeped in criminality and had no more business to be allowed loose than a mad dog or a homicidal lunatic!

Now, so long as our Courts which came into the closest contact with the anomalies of the law look upon this condition of affairs as beyond their province, and as a matter which chiefly concerns social reformers by profession, we shall get little or no redress. The law is modified now to a certain extent as regards persons declared to be habitual criminals, and we have a Criminal Court of Appeal. This shows that public opinion is stirring. But it is time that the masters of the situation, placed in an impregnable position of power over the lives of those who are proved guilty of crime, should be asked, or ask themselves, how that authority is used. It is useless for prison administrators to toil and plan to make life in gaol a means of reformation if all that they do is a sealed book to the Judge who supplies them with the material upon which they have to work and decides the period for which they shall keep it. It was a Judge who told a foreigner a little while ago, as quoted in a former chapter, that a commitment of 'two years' hard labour' was a more severe sentence than three years' penal servitude, believing, in his innocence of facts, that the prisoner really slaved at stone-breaking or what not for that period instead of only twenty-eight days. It is the magistrate or the justice who in certain towns decrees that boys shall go to prison for

three days for kicking a football in the street. What does this mean? It means that a rough lad who up to that time has had a wholesome dread of 'the jug,' and has looked at a fellow who has been 'in' with suspicion, and avoided him as a companion, is lowered in morals and self-respect often for life. He hardens his heart to get through. Physically he suffers little; morally he has gone down below his surroundings, and as in all probability these are on the edge of respectability, those three days of plank and skilly just make all the difference. He drops into low company, falls into temptation, and commits real crime. And the cause of it all is the ignorance or carelessness of the man in power at the Court who held the scales. The justice was probably as well-meaning a man as might well be, and under the impression that three days under discipline and away from home would just be the very thing to teach the young hopeful a lesson. But any superintendent of a boys' club in a rough neighbourhood would do better than that. Only, as it happens, he knows lads of that class and their ways, and what they think of prison after they have been there; and this makes all the difference.

The improvement of this state of affairs is a matter of dual responsibility.

On the one hand, Courts of every degree should tear up and burn all old forms of commitment—indeed, get rid of this obsolete term of 'hard labour' altogether. Secondly, justices of the peace should consider, especially those in the country, whether they or the clerks of their Courts really sentence the prisoners. Thirdly, every magistrate, justice, or Judge should make it his business and pleasure to inspect thoroughly both a local and a convict prison at least once a year, and, if possible, serve on the committee of a discharged prisoners' aid society.

On the other hand, a responsibility rests upon the prison Commission and the Secretary of State. The Home Office are perfectly aware of this, and circulars long and short, lucid and obscure, gentle and sometimes emphatic, follow one another in endless succession. But circulars, even when they come from the Home Office, are not always read. Nor, when they are read, are they always understood. Magistrates and Judges are busy and often overworked. Printed instructions or requests bore and harass them, and are too often sent quickly—we all know where. Consequently the words of wisdom therein fall on barren soil, and things go on just as before while the public pays for the printing, and the keen earnest men at Whitehall sigh, and perhaps something more, at the futility of it all.

There is a remedy, however. If men transacting business by correspondence do not understand or attend to one another's letters, they meet and have an explanation by word of mouth. This should not, I venture to think, be impossible here. The prison authorities carry out the behests of the Courts; the Courts carry out the laws which, sometimes, the prison authorities have had some hand in framing and inducing a Government to place on the Statute-book. Assuredly if two powers ever were intended to work together in perfect comradeship and fullest accord, it should be these. It is an open secret, however, that they do not.

As a very humble observer, but as an observer who has had the opportunity of seeing both sides of the issues at stake, I venture, in the last words I have to write upon prison life and administration, to urge that the Prison Commissioners should take into consideration the advisability of gathering together in as informal a manner as possible small conferences of Judges and magistrates and justices of the peace, and consulting with them concerning the problems which have to be faced and solved. In regard to prison administration, I am aware that the presumption of such a suggestion has probably never been equalled in the annals of correspondents—but I make it notwithstanding. The united action of these two great services, if it were the fruit of a real understanding, could revolutionize our present criminal law and take powers eventually to check the first offender, reform the unhardened, and lay by the heels in permanent durance under humane conditions the habitual offender and the hopeless recidivist.

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